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General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
44th meeting
held on
Friday, 16 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 44th MEETING

Chairman: Ms. COOMBS (New Zealand)

CONTENTS

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

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26 November 1990

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (A/45/3, chap. III, sect. F, A/45/12 and Add.1, A/45/378, A/45/449, A/45/450, A/45/480, A/45/649 and Corr.1 and Add.1)

1. Mr. AZIKIWE (Nigeria) recalled that almost 40 years previously, on the occasion of the establishment of the Office of the United Nations High Commissioner for Refugees (UNHCR), hopes had been expressed that the refugee problem was transient and amenable to simple solutions. The international refugee situation had steadily assumed crisis proportions, however, so much so that in his latest report (A/45/12) the High Commissioner described it as deteriorating, problematic and almost intractable. The number of refugees had been increasing, as figures for the past two years demonstrated. In 1989, there had been 12 million refugees; there were now over 15 million, and the number was still growing. More than 90 per cent of those refugees were in developing countries, and the majority of them were children.

2. The recent crises in the Gulf and in Liberia had created unprecedented new refugee flows. Thousands of refugees fleeing from the conflict in the Gulf were concentrated in a number of countries in the region, particularly Jordan, and most of them had not received sufficient assistance. As a result of the conflict in Liberia, well over 700,000 Liberians and nationals of other counties had sought asylum in neighbouring African countries, including Nigeria. His delegation appealed to the international community to organize emergency assistance for those refugees as soon as possible.

3. The refugee situation had been equally difficult in Thailand, Pakistan and other parts of Asia. However, his delegation hoped that Cambodian refugees in Thailand might return home soon if all went well, as might the Afghan refugees.

4. The phenomenon of mass exoduses had been shown to be due to a number of factors. In his delegation's view, however, the main factors were related to economic crises and human rights violations. World Bank figures showed that 1 billion people currently lived in abject poverty, and the figure was expected to increase by about 100 million. Studies had shown that people tended to migrate from areas of poverty and underdevelopment to areas where economic opportunities were greater. Such migrants almost always applied for refugee status in the countries to which they fled. People also fled from oppression and tyranny, as was evidenced by refugee flows in southern Africa, Afghanistan, Cambodia, the Gulf, the Middle East and Central America. It would thus be futile to search for durable solutions to the refugee problem without seriously addressing the problems of abject poverty and underdevelopment and institutionalizing the promotion and enjoyment of all human rights. By the same token, enhanced economic development and respect for human rights would provide durable solutions and reduce the number of refugees.

5. One of the primary functions of UNHCR was to provide international protection, which involved applying laws and humanitarian principles to secure the rights,

(Mr. Azikiwe, Nigeria)

security and welfare of refugees. Protection should not be limited to the period of initial flight and first asylum, but should extend to subsequent stages of the refugee experience.

6. His delegation commended States that had granted temporary asylum to refugees and protected them from refoulement. Nigeria itself continued to grant asylum to many refugees from all over the world, either at the request of UNHCR or directly. Over the past year, in co-operation with the local UNHCR office, it had successfully completed the voluntary repatriation of some 1,800 Chadian refugees. Others who had preferred to remain had been successfully integrated into local Nigerian communities. His delegation was deeply concerned at the violations of the principle of non-refoulement mentioned in paragraph 22 of the High Commissioner's report in document A/44/12/Add.1.

7. With regard to the financial difficulties faced by UNHCR, the consequences of the deficits carried over from 1988 and 1989, including the Executive Committee's decision to prevent their recurrence by limiting obligations in the first six months of 1990, were deeply disturbing to his delegation. The increased need for refugee programmes at a time when contributions and resources were limited had led to a severe shortage of funds in 1990, causing many operational projects to be cancelled. In Africa, operations and programmes had not been properly implemented, food supplies and nutrition levels had declined and educational opportunities and facilities had been severely reduced. More resources should therefore be made available from the regular budget to enable UNHCR to execute its mandate. His delegation commended traditional donors for their support and appealed to them to increase their contributions to UNHCR and also their development aid, which was an important component for solving the refugee crisis. Lastly, he stressed the importance of predictable, continuous and assured contributions and funding.

8. While fully supporting the decisions taken by the Executive Committee at its forty-first session on administrative and financial matters, including those relating to the report of the temporary working group established at its fortieth session, his delegation urged that additional resources be allocated to refugee projects in Africa. Since the organization structure of UNHCR was an important element in dealing with the current refugee crisis, his delegation welcomed the rationalization measures undertaken by the former High Commissioner. His delegation deeply regretted the early departure of the High Commissioner, who had been eminently qualified for the position and had managed to ensure relative financial stability in difficult times. He hoped that his successor would display the same qualities. Lastly, he acknowledged the achievements of UNHCR in the period under review, which included the voluntary repatriation of over 43,000 Namibian refugees and were evidence of its future potential.

9. Mrs. DIEGUEZ-ARMAS (Mexico) said that her Government acknowledged and supported the activities of UNHCR in providing international protection and emergency relief for millions of people in peril, helping countries of asylum cope with the problems posed by refugees and searching for durable solutions. The international community must remain firmly committed to solving the refugee problem, which was not the exclusive responsibility of one international agency or

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(Mrs. Dieguez-Armas, Mexico)

of countries of asylum. The granting of asylum to refugees called for collective efforts on the part of all States, which should tackle the problem with the means at their disposal.

10. With assistance from UNHCR, countries of asylum such as Mexico had made progress towards finding durable solutions to the refugee problem. Special care had been taken to respect the rights of refugees, preserve their cultural, ethnic and linguistic identity, safeguard family unity and foster occupational skills. The voluntary return of refugees had also been facilitated.

11. Countries of asylum welcomed the initiatives taken by the Secretary-General of the United Nations in convening international conferences to deal with the situation of refugees, returnees and displaced persons in southern Africa and Central America. Since the International Conference on Central American Refugees (CIREFCA) considerable progress had been made towards solving the problem of the almost 2 million refugees and displaced persons in Central America through dialogue and national reconciliation, demonstrating the importance of international co-operation and solidarity. UNHCR continued to provide valuable assistance to such efforts in the region.

12. Her Government had continued its assistance to refugees. It reiterated its support for the CIREFCA Declaration, with a view to finding durable solutions to the problems of Central American refugees including voluntary repatriation. It pledged to continue to approach the problem from a strictly humanitarian and apolitical standpoint and to respect human rights and the principle of protection for refugees, especially non-refoulement. Mexico had recently made a distinction in its legislation between the legal status of political and non-political refugees with a view to providing refuge and relief to people who, although not political activists, were forced to leave their country because their life, liberty or security were threatened by widespread violence, aggression or civil strife. Her delegation was gratified to note that Mexico's action was acknowledged in the High Commissioner's report.

13. Turning to the search for durable solutions, Mexico was paying special attention to the economic development of the Central American countries, with whom it had embarked on a massive programme of international co-operation. It also supported the solutions proposed in the Concerted Plan of Action adopted at the International Conference on Central American Refugees.

14. The Central American refugees in Mexico had begun to return to their communities of origin in what was one of the most positive signs of progress in the regional peace process. Obstacles remained, however, and countries must refrain from activities that might undermine that process or affect the non-military and humanitarian nature of refugee settlements.

15. It was vitally necessary to resolve the financial crisis which the doubling of the number of refugees in recent years had imposed on UNHCR. Mexico, for its part, would continue to provide security and hospitality to the refugees in its territory and hoped that the international community would continue to make progress towards finding durable solutions to the refugee problem.

16. Mr. SANOUSSI (Guinea) said that in the past 11 months, tens of thousands of innocent civilians had been killed in the conflict in Liberia, most of them women, children and the elderly. Successive waves of wounded, starving and destitute Liberians had sought refuge in the villages of south-eastern Guinea, causing tremendous demographic and sociological upheaval. Guinean villagers had opened their doors to the refugees even before the Government or international humanitarian agencies had managed to intervene.

17. As a result of that sudden influx, Guinean villages of some 200 to 500 people now had to house populations of over 5,000 and sometimes as many as 20,000, a situation which caused problems in a variety of areas. In the health area, urgent medical and sanitation measures were needed to combat the outburst of a whole range of diseases. Lack of sanitation was also causing environmental pollution, and there was a risk of acute deforestation as trees were cut down for firewood. Food was scarce: the sudden arrival of over half a million refugees in a country of 6 million had emptied the storehouses. The food aid received by UNHCR had been hopelessly inadequate. Assistance was also needed in the area of education, since 65 per cent of the refugees were children of school age.

18. UNHCR and the International Committee of the Red Cross had channelled some assistance, but increased and sustained international aid was required. Furthermore, the outcome of the Liberian tragedy could not be foreseen and it was impossible to predict when the refugees would be able to return. Any aid package should therefore include community projects to enable the refugees to create production and trade circuits which would render them self-sufficient in food.

19. He appealed urgently to the entire international community and to non-governmental organizations to provide emergency aid and long-term assistance to the over 520,000 Liberian refugees and to their host population, estimated to number a further 700,000. He also called upon all Member States to work with the Economic Community of West African States in hastening the restoration of peace, national reconciliation and constitutional democracy in Liberia.

20. Mr. TOROU (Chad) noted that while the traditional causes of the steady increase in refugees were armed conflicts and natural disasters, a new category of refugees had been added, that of economic refugees fleeing from poverty.

21. Thanks to United Nations or regional efforts, there were some refugees who had been or would soon be able fully to enjoy their fundamental rights under the Universal Declaration of Human Rights. The Namibian people had succeeded in doing so and he hoped that events in South Africa would soon enable South African exiles to return to a multiracial, egalitarian country. There had also been improvements in the situation of refugees in Latin America, Central America and Asia, although in Afghanistan and Cambodia the changes might take more time.

22. In strife-torn Africa, however, refugee influxes were creating serious problems for host countries already faced with economic crises, an overwhelming debt burden and social problems of their own. The continued presence of refugees, in some cases for over a decade, was threatening an already fragile environment,

(Mr. Torou, Chad)

for in order to survive such refugees had to farm and also to cut down trees for firewood or shelter, unintentionally destroying the local flora.

23. Population overcrowding also created tensions between refugees and nationals of host countries. Refugee health was another source of worry, as they often suffered from malnutrition and disease, including malaria and AIDS. Over and above their physical ailments, many refugees were severely traumatized as a result of their experiences of war and its atrocities. They were terrified of violence and children often developed an unhealthy image of their parents as perpetually dependent or idle, never having seen them engage in a proper occupation.

24. The solidarity displayed by host countries was generally commendable. Unfortunately, however, some refugees were simply swindlers who wanted to live off the host society and their fate was usually refoulement or detention in guarded camps. It was also becoming common for refugees to be forcibly conscripted into "liberation" armies and engage in proxy wars, thus creating instability and perpetuating the refugee cycle. The international community should find appropriate ways of dealing with such unacceptable conduct.

25. International protection of refugees required not only acceding to the relevant international instruments but also the political will to comply with them. UNHCR must also be given more resources to meet its responsibilities to refugees until durable solutions were found. While the root causes of massive refugee flows must be removed by increasing development assistance to disadvantaged populations, peace remained the key to any process to end the long journey of those millions of men, women and children whose horizons were limited to the confines of their refugee camps.

26. Mr. GOSHU (Ethiopia) said that the grim refugee situation was compounded by UNHCR's worsening financial crisis. Ethiopia had been acutely affected by the cutbacks in the Office's budget and in its actual disbursements.

27. Ethiopia had one of the largest refugee populations in Africa and was the country of first asylum for the fifth largest refugee population in the world. It was one of the least developed countries and had been ravaged by drought and famine in recent years. Soil erosion, extensive deforestation, locust plagues and continuing conflict had exacerbated food shortages and undermined socio-economic progress. Ethiopia had never shirked its obligation to protect and assist refugees, however, often at the cost of considerable sacrifice. It firmly upheld the principles of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. National legislation on refugee affairs was also being drafted.

28. The heaviest concentrations of refugees were in the eastern and western parts of the country, which lacked basic infrastructures and natural resources. In the east, nearly 1 million litres of water that were literally taken out of the mouths of the local population had to be transported over long distances to Hartisheik Refugee Centre. The damage to the ecological system around refugee settlements was incalculable. Most refugees from the east brought their herds with them, putting

(Mr. Goshu, Ethiopia)

considerable pressure on animal fodder and depleting vegetation. Ethiopia was making intolerable sacrifices and more international assistance must be provided to help both the refugees and the local population.

29. Ethiopia's programme to reintegrate Ethiopian returnees from neighbouring countries had been seriously affected by UNHCR's financial crisis. It continued to believe, however, that voluntary repatriation was the best means of ensuring a durable solution to the refugee problem. At the same time, it would remain faithful to its tradition of providing protection and assistance to refugees and would work closely with its neighbours and with regional and United Nations bodies to solve the refugee problem in the Horn of Africa. In that connection, he commended the efforts made within the context of the Intergovernmental Authority for Drought and Development (IGADD) to address the many problems afflicting the region and hoped that, in future, the various resolutions presented annually on the refugee problem in north-east Africa would be merged into an omnibus resolution, incorporating the concerns of all the IGADD member States.

30. Mrs. LAFONTANT-MANKARIOUS (United States of America) drew attention to the instances of conflict resolution that had led or could lead to durable solutions for refugees. In that connection, rebel organizations had a special responsibility to permit durable solutions to proceed and to allow emergency relief to reach the innocent victims of conflicts. Serious efforts deserved serious support and co-operation wherever they were undertaken. Until the bloody tragedy in Liberia could be resolved, relief assistance must continue to reach the refugees and internally displaced persons. Effective co-ordination by the United Nations was imperative.

31. Her Government commended the recent initiative by UNHCR to organize a conference of affected States in Africa to resolve the long-standing conflict which had erupted once again with the invasion of Rwanda by ethnic forces. A comprehensive approach to that historical problem was imperative in order to bring about a lasting solution. Her delegation also praised the work of the Office in seeking solutions to the problem of boat people and in maintaining the Comprehensive Plan of Action on Indo-Chinese Refugees.

32. The United States welcomed the dramatic changes taking place in the world, which had created more opportunities for regional conflict resolution, and intended to play an active role in that regard. A new spirit of co-operation had been witnessed in the past two months in response to the horrendous events in the Persian Gulf. Quick responses by the Office of the United Nations Disaster Relief Co-ordinator, non-governmental organizations and, as appropriate, UNHCR had helped Governments of the region discharge their responsibilities to needy displaced workers. Her Government commended the dedicated people who had worked long hours under difficult circumstances since 2 August 1990 to achieve that success.

33. At the same time, there were reports of human rights abuses in various parts of the world that could give rise to new flows of refugees. The consequences of such abuses were particularly deplorable for innocent refugee children, who were

(Mrs. Lafontant-Mankarious, United States)

voiceless aliens in an alien land. There was a sacred responsibility to protect the rights of refugee children to food, clothing, shelter, good health and education. Lastly, she stressed the need for consensus and co-operation in solving refugee problems and halting human rights abuses. Without such a consensus, it would not have been possible to address the financial crisis of UNHCR constructively on the basis of established policy and programme priorities. The choice of the new High Commissioner was thus of paramount importance to all Governments and especially to refugees.

34. Mr. VILLAGRAN DE LEON (Guatemala), speaking also on behalf of Costa Rica, El Salvador, Honduras and Nicaragua, said that there had been a number of positive developments in Central America since the forty-fourth session of the General Assembly and that closer consultations had been held with UNHCR on devising strategies to find durable solutions to the problems facing refugees. Peace had been consolidated since the signing of the Esquipulas II agreement and there was now the political will to find lasting solutions in the region. The International Conference on Central American Refugees (CIREFCA) had been particularly important, making it possible to discuss viable alternatives for providing assistance to the refugees. Each country had established a national co-ordinating committee, and national support groups had been set up with the participation of UNHCR and UNDP. Throughout the process, there had been close co-ordination between the affected countries and the United Nations system.

35. The countries of Central America had made significant progress towards peace and their Governments had demonstrated their willingness to create the necessary conditions for the repatriation of thousands of refugees through dialogue, co-operation and reconciliation. Elections had been held in the various countries and the dialogue processes aimed at achieving national reconciliation in El Salvador and Guatemala had made significant headway.

36. Repatriation had made it possible to close five refugee camps in Honduras and there would be a considerable increase in the repatriation of Nicaraguan and Guatemalan nationals in coming months. The reintegration of uprooted population groups into the development of their communities of origin was the preferred solution in Central America. Continued assistance by the international community in strengthening the regional peace process was therefore essential.

37. The Central American countries had defined flexible strategies for adapting the Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons to changes in the situation in the region and they continued to give priority to the voluntary repatriation of refugees to their countries of origin. The return of the refugees marked the beginning of a process of reconstruction, readaptation and reintegration into economic life. It was necessary therefore to strengthen the productive activities of returnees and their communities.

38. With regard to internally displaced persons, work was well under way on implementing the Development Programme for Displaced Persons, Refugees and

(Mr. Villagran De Leon, Guatemala)

Returnees (PRODERE) funded by the Italian Government. In that connection, mechanisms should be set up for adapting the Programme to changes in the region and to the priorities established by CIREFCA. A new phase of CIREFCA had begun with the implementation of the assistance projects for refugees, returnees and displaced persons. Special measures were needed to ensure the disbursement of funds and provide the necessary technical assistance to the government structures concerned. It was also necessary to improve planning and the elaboration of integrated programmes and to update national and subregional strategies and plans to take account of the needs of uprooted population groups. Every effort was being made to improve co-ordination with those responsible for achieving the goals of the Concerted Plan of Action. Dialogue and the political will to tackle problems jointly were positive elements which contributed to a stable and lasting peace in Central America.

39. Mr. SAVLE (Yugoslavia) said that despite the progress made in recent years, it was disturbing to see that there were still 15 million refugees in the world, 2.3 million of them in the developed countries as compared with 12.5 million in the less developed countries, and that the willingness and capacity of countries of asylum and resettlement were being stretched to the limit.

40. His delegation supported the conclusions and decisions adopted at the forty-first session of the Executive Committee, as reproduced in document A/45/12/Add.1, and the action taken on the Oslo Declaration and Plan of Action on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, the Declaration and Comprehensive Plan of Action on Indo-Chinese Refugees and the Declaration and Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons. It agreed that programmes should be directed towards durable solutions, namely, voluntary repatriation, local integration and resettlement, as described in paragraph 33 of the High Commissioner's report (A/45/12), and supported UNHCR's continued co-operation with development agencies. The idea of an early warning system (A/45/649) merited careful attention and UNHCR should play a wider role in international efforts to that end.

41. Despite considerable financial constraints, his Government was taking measures to ensure strict compliance with the provisions of the 1951 Convention relating to the Status of Refugees aimed at alleviating the plight of persons seeking protection under the Convention. There had been little decline in the number of people seeking such protection in Yugoslavia in 1989, and the situation was aggravated by the long waiting period for resettlement and the limited number of countries willing to receive such people. He hoped that gradual improvements in countries of origin would help eliminate the reasons for seeking refugee status and discourage new refugees.

42. Mr. BARKER (Australia) said that, while commendable efforts were being made to overcome the financial crisis of UNHCR and there had been a marked improvement in the quality of communication, including increased clarity and transparency in presentations, the financial crisis persisted. Despite increased contributions by a number of donors, resources were still insufficient. To attract new funding,

(Mr. Barker, Australia)

UNHCR must demonstrate that it was an effective and efficient organization that responded to contemporary needs. He paid tribute to the former High Commissioner who, in his short time in office, had done much to create the right environment for administrative and financial improvements, redefine the Office's objectives and restore staff morale, and to the Deputy High Commissioner whose pragmatic approach to management had done much to restore confidence in UNHCR.

43. One major contemporary issue was that of large-scale movements of people, who included refugees proper, persons displaced as a result of warfare, civil strife or natural disaster and, to an increasing degree, migrants fleeing from circumstances that would justify international concern and involvement. The situation was complex and required the international community's attention, since the problems involved went well beyond the competence of any single agency.

44. UNHCR's mandate was to protect and assist refugees, defined in the 1951 Convention and the 1967 Protocol as persons who were victims of persecution. Those instruments were still as relevant as ever. The problem was that there was a tendency for the international community to invest them with a breadth and flexibility that was neither necessary nor desirable. The Office also had an important role to play, in some situations, in assisting people displaced beyond the boundaries of their own countries. Repatriation in safety and dignity remained the pre-eminent solution for both groups of refugees, but additional international efforts would be needed, both politically and in the form of development assistance, to create the necessary conditions for their voluntary repatriation. In the meantime, the costs of helping those refugees were enormous.

45. With regard to migrants, the revolution in global communications and transport had created a situation in which large numbers of people migrated to other countries in search of better opportunities. The problem was to ensure protection for refugees caught up in such population movements. While everyone had the right to leave their country, Governments had a sovereign right to determine who might enter and remain in their territory. Australia had accepted large numbers of migrants from all over the world, as well as refugees, but in the case of migratory movements thinly disguised as claims for asylum, it had to be made clear that the options available would be different and more limited than those afforded to refugees. It was essential to distinguish between refugees and non-refugees and to work towards broader international agreement on the need for and logic of returning non-refugees to their country of origin. Australia looked forward to the detailed study of those and other issues in the Executive Committee's Working Group on Solutions and Protection.

46. Australia was keenly interested in the Comprehensive Plan of Action on Indo-Chinese Refugees and had sponsored a conclusion on its implementation at the forty-first session of the Executive Committee. Greater efforts were needed to ensure the orderly return of non-refugees to their countries of origin and his country was anxious to promote more effective counselling of non-refugees to encourage voluntary repatriation. Australia welcomed the Secretary-General's decision to designate the High Commissioner as his special representative to co-ordinate efforts to promote the orderly return of non-refugees.

(Mr. Barker, Australia)

47. Burden-sharing should be an international matter. Asylum countries carried the major burden and it was neither fair nor responsible to allow accidents of geography or history to impose an unequal burden on certain countries. Asylum countries, developed or developing, must have clear assurances that they would not have to harbour large populations unassisted or indefinitely. Asylum was the essential precondition for the central obligation of the 1951 Convention, namely, non-refoulement and protection of refugees, but it must be explicitly recognized that the principles of the Convention were workable only if it was also accepted that States had a responsibility towards their own people. Countries of origin must be involved in the search for solutions. Comprehensive and workable strategies were needed to deal with the contemporary mass movements of people. The Comprehensive Plan of Action on Indo-Chinese Refugees offered a useful model. Care must be taken to involve all those concerned and to take into account the vital role of non-governmental organizations.

48. Mr. SAMPOVAARA (Finland) said that the problems facing UNHCR called for efforts by the international community on two fronts. First, the measures taken by the High Commissioner to streamline the administration and improve the financial structure of the Office were not sufficient on their own: enlargement of the donor group and better burden-sharing were essential. Inter-agency co-ordination was also important, and the UNDP Governing Council and the Economic and Social Council had adopted resolutions calling for a system-wide review to assess the experience and capacity of the various organizations to respond to the multi-faceted problems of refugees, returnees and displaced persons. Efficient co-operation with governmental and non-governmental organizations was also necessary.

49. Secondly, it was essential to tackle the root causes of the problem of refugees and migratory movements. All appropriate political and economic measures should be devoted to restoring the conditions that would prevent refugee flows and guarantee the safe return of refugees to their own countries. Primary responsibility for solving a refugee problem lay with the country of origin and he welcomed the High Commissioner's proposal to examine the concept of State responsibility in respect of the country of origin.

50. On the question of mitigation or eradication of the root causes of refugee movements, Finland and the other Nordic countries paid particular attention to the relationship between development co-operation, democracy and human rights, which would have an important role in their future policy-making. Finland was ready to contribute to the work of the Working Group on Solutions and Protection.

51. Regarding the mandate of UNHCR, his delegation reaffirmed its commitment to the 1951 Convention and the 1967 Protocol and urged that more States accede to them. It expressed appreciation for the work of the former High Commissioner and hoped that his successor would pursue the same policies.

The meeting rose at 12.30 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
45th meeting
held on
Friday, 16 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 45th MEETING

Chairman: Ms. ZINDOGA (Zimbabwe)
(Vice-Chairman)

CONTENTS

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

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In the absence of the Chairman, Ms. Zindoga (Zimbabwe), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (A/45/12 and Add.1, A/45/378, A/45/449, A/45/450, A/45/480, A/45/649 and Corr.1 and Add.1)

1. Mr. WIRAJUDA (Indonesia) said that mass migrations constituted a multidimensional, fundamentally humanitarian question with far-reaching political, economic, social and cultural implications. That was clearly evident from the millions of refugees granted asylum in developing countries. Those countries had met their obligations in that area, despite deprivations stemming from an overwhelming debt burden and the negative impact of the world economic situation on their fragile socio-economic infrastructures.

2. The international community's efforts to solve the refugee problem had been particularly evident in the past two years, with the holding of the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa in 1988 and the International Conference on Central American Refugees and the International Conference on Indo-Chinese Refugees in 1989. Those conferences had been convened in the midst of far-reaching world-wide political changes, such as the independence of Namibia on 21 March 1990 and the consequent repatriation of some 43,000 Namibians. Those changes were creating a climate conducive to the solution of some of the world's long-standing refugee problems. The positive political developments in South Africa held out hope for greater internal and regional stability, with positive implications for refugees in both South Africa and the front-line and neighbouring States. Elsewhere in Africa, however, refugee problems persisted, and new ones had emerged that required the international community's attention.

3. The situation in the Middle East had given rise to an enormous flow of people seeking protection and shelter. Likewise, the prolonged struggle of the Palestinian people continued to contribute to world refugee flows. In Latin America and the Caribbean, on the other hand, the situation had improved, as indicated in the report of the United Nations High Commissioner for Refugees (A/45/12).

4. In South-East Asia, progress had been made in implementing the Comprehensive Plan of Action adopted by the International Conference on Indo-Chinese Refugees. There had been progress in voluntary repatriation and resettlement, with the number of pre-cut-off date refugees resettled exceeding the target for the year ending June 1990. Nevertheless, the region had experienced an influx of people who could, in many cases, be considered economic migrants. There had been a steep rise in the population on Galang Island, a refugee centre established by Indonesia as part of the international humanitarian effort. The number had grown from 2,300 refugees prior to the adoption of the Comprehensive Plan of Action to the current figure of 20,000.

(Mr. Wirajuda, Indonesia)

5. Two as yet unresolved aspects of the Plan that would address the unending migrations throughout South-East Asia were mandatory repatriation and the reduction of illegal clandestine departures. Perhaps those complementary problems could have a single solution, since the mandatory repatriation of persons leaving their countries for economic reasons would help to discourage clandestine flight.

6. Unfortunately, consensus on mandatory repatriation had yet to be reached, leaving open only a gray area: the repatriation of those who did not object to being returned to their country of origin. The country of origin bore the primary responsibility for creating conditions that would prevent illegal departures. However, that would require development assistance to address the fundamental causes of flight and also assistance for the reintegration of returnees. The publicity activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Viet Nam aimed at detering departures other than those made under the Orderly Departure Programme were an important contribution to that effort.

7. The encouraging indications of a resolution of the Cambodian conflict held out the hope that Cambodians currently in Thailand and other countries of the region might be repatriated with support from the international community.

8. Continuing efforts were needed to ensure that full use was made of the Comprehensive Plan of Action. It was imperative for the countries of the region to regain control of their borders and immigration procedures, in the interest of regional stability. In that connection, his delegation welcomed the Secretary-General's initiative in designating the High Commissioner to co-ordinate, with all the parties concerned, the phased and orderly return of non-refugees in a humanitarian manner and under conditions of safety and dignity. In view of the vital importance of UNHCR operations for the survival of millions of people, his delegation hoped that that organization would be given the means to carry out its important mandate and that the post of High Commissioner could be filled promptly and without difficulty.

9. Mr. JOUSHAN (Afghanistan) said that the refugee problem, which was of greater concern to the international community than ever before, had its root cause in war. The people of Afghanistan had suffered great economic and human losses as a result of the war that had been imposed on their country and, despite the improvement in East-West relations, the war was continuing and preventing Afghan refugees from returning home. On the basis of the 1988 agreement with Pakistan on the voluntary return of refugees, the Afghan Government had taken some important steps, including the establishment of the Ministry of Repatriation, the allocation of millions of Afghanis, the construction of housing in most provinces and the restoration of property. Nevertheless, the armed opposition forces stationed in Pakistan continued to prevent the return of Afghan refugees. Afghanistan condemned any attempt to prevent their return or to hamper the orderly process of repatriation from any country.

(Mr. Joushan, Afghanistan)

10. As one of the signatories to the Geneva Agreements, Pakistan should comply with the obligations it had assumed regarding the repatriation of Afghan refugees staying in its territory; it should also provide them with the necessary assistance, as provided for in article 3 of the bilateral agreement between the two countries. Afghanistan was ready to establish the joint commission provided for in the agreement to co-ordinate and monitor the voluntary and peaceful return of Afghan refugees. The commission had not yet been established because of a lack of a positive response from Pakistan.

11. The plans for the return of 40,000 refugee families (totalling some 250,000 people) through the Salam Operation, in close collaboration with UNHCR, constituted a very good beginning. However, those plans had met with many problems and obstacles posed by the opposition leaders of the so-called Seventh Alliance which, when Afghan refugees had begun their return, had established military posts along the border between Afghanistan and Pakistan and had forced some refugees to return to Pakistan. A mobile post had recently been established on the Peshawar-Torkham highway for the same purpose.

12. His delegation wished to express its sincere thanks for the tireless efforts of the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes Relating to Afghanistan and UNHCR for the protection, return and resettlement of Afghan refugees and stood ready to co-operate with neighbouring countries and international organizations in solving that problem.

13. Mrs. AKHAMLICH BENNANI (Morocco) said it was gratifying that some of the world's refugee problems, particularly those relating to Namibia and Latin America, had been solved and that positive results had been achieved in South-East Asia. Because of its wide geographical spread and its humanitarian, financial and political repercussions, the refugee phenomenon demanded closer co-operation and greater assistance from the international community. In Africa, millions of people were suffering the hardships of exile. Generally speaking, the countries of first asylum lacked the resources to cope with such enormous flows. The disastrous civil war in Liberia, for example, had caused a tremendous flow of refugees to neighbouring countries. In Asia, meanwhile, entire populations had migrated in search of refuge in other countries.

14. The causes of such vast exoduses were well known: armed conflict, political upheaval, human rights violations and natural disasters. They could be solved only with time. In the mean time, the international community must deal with the refugees, particularly in view of the serious financial crisis that UNHCR was experiencing. Despite its own economic constraints, Morocco had decided to increase its contribution to the UNHCR budget by 50 per cent. The crisis in the Persian Gulf had rendered the problem still more complex. Morocco was gratified, therefore, that the Secretary-General had set up a special mechanism to deal with the problems resulting from the outflow caused by that situation. Morocco considered, however, that the case fell within the jurisdiction of UNHCR and should be dealt with according to its mandate.

(Mrs. Akhamlich Bennani, Morocco)

15. During the most recent session of the Executive Committee of the High Commissioner's Programme, the representative of Morocco had spoken of the need to reiterate the collective commitment to make the instruments on the status of refugees permanent and inviolable. The High Commissioner should be able to offer the same protection to political refugees, asylum-seekers and persons migrating for economic reasons. She stressed the need to strenghten protection, while at the same time continuing the search for durable solutions. She noted with satisfaction the establishment, within the framework of UNHCR, of a Working Group on Solutions and Protection.

16. Mr. MIYATA (Japan) said that there were still close to 15 million refugees and the figure continued to rise, despite the improvement of East-West relations. It was therefore extremely important to prevent regional conflicts from breaking out and to resolve those that did occur. The Government of Japan was accordingly determined to intensify its co-operation with other Member States.

17. In South-East Asia, since 1987 there had been a further increase in the number of people leaving their homes for economic rather than political reasons. That had led the international community to explore the possibility of voluntary repatriation, for instance, through the Comprehensive Plan of Action adopted in 1989 at the International Conference on Indo-Chinese refugees.

18. It was also encouraging that hundreds of Vietnamese people had returned from Hong Kong to their country under the voluntary repatriation programme of UNHCR, to which Japan was the largest donor. With the specific intention of encouraging such repatriation, Japan had in 1989 made a contribution to the vocational training project for returnees in Viet Nam and was studying the possibility of co-operation with the regional repatriation programme launched by the European Community, which included financial assistance to the areas where refugees would return. It was also encouraging to hear that the United Kingdom, Viet Nam and UNHCR had reached agreement on the repatriation of non-refugees who did not oppose their repatriation, and it was to be hoped that the programme would produce satisfactory results. In order to help ensure its implementation, the Government of Japan had decided recently to contribute approximately $7 million to the special programmes of the Comprehensive Plan of Action, which was facing financial constraints.

19. In Cambodia, negotiations towards a comprehensive settlement of the problem had made great progress, and it was urgent for the parties concerned to prepare for the repatriation of displaced Cambodians. The Government of Japan was in the process of doing so.

20. There were more than 5 million Afghan refugees in Pakistan and Iran. Because of the continuation of the civil war in Afghanistan, repatriation of those refugees, in safety, security and dignity, had been further delayed. For that reason, in 1989 Japan had made a contribution of $105 million to the Office of the United Nations Co-ordinator for Afghanistan, and in fiscal 1990, his Government would be making another contribution of approximately $9.7 million to the general programmes of asssistance to Afghan refugees in Pakistan and Iran being carried out by UNHCR.

(Mr. Miyata, Japan)

21. In Africa, the situation remained serious; the number of refugees there was still estimated at about 4 million, almost 30 per cent of the world's total. The civil war which had broken out in Liberia had resulted in an outflow of nearly 400,000 Liberians into neighbouring countries. To help alleviate the suffering of those refugees, Japan had made contributions through the various programmes of UNHCR.

22. It was encouraging that the Central American countries had taken initiatives, such as the International Conference on Central American Refugees held in Guatemala in 1989, to solve their refugee problems with the co-operation of international agencies such as UNHCR and UNDP. As a result, the situation in El Salvador and Guatemala appeared to be improving, and Nicaraguan refugees were returning to their homes now that a new Government was in place. In 1989, Japan had sent a mission to Central America and Mexico to study the refugee situation, and had made a contribution of $1 million to the operation of the Nicaraguan refugee repatriation programme. Hence, his Government welcomed those developments.

23. The unprecedented financial crisis which UNHCR was facing further complicated the difficult task of that agency. His delegation regretted that Mr. Stoltenberg, who had made progress towards resolving the crisis, had had to leave before that work could be completed. It was the view of his delegation that the next High Commissioner should continue the financial reform of UNHCR.

24. It was encouraging to note that the measures recommended in the report of the temporary Working Group, which had been adopted at the extraordinary session of the Executive Committee in May 1990, to reduce expenses, rationalize activities, restructure the composition of the organization and strengthen the Evaluation Committee were being taken. UNHCR should give high priority to field activities, which were its main responsibility, and should continue to act as catalyst and co-ordinator, without transforming itself into a development-oriented organization. All in all, UNHCR should strengthen its technical support services and maintain close co-ordination with other international agencies concerned with development, such as UNDP and the World Bank, and with non-governmental organizations, which could help ease the burden on UNHCR.

25. Mr. SIRALKHATIM (Sudan) said that, despite the measures adopted by the international community, no solution had yet been found to the world refugee problem. The international community must continue considering the problem as a matter of priority, as it was a direct consequence of economic, social and political crises, and must not allow current developments on the international scene to distract attention from the refugee problem.

26. The Sudan had already expressed and now wished to reiterate its commitment to the search for a durable solution to the refugee problem, particularly in Africa. To that end, it had convened and welcomed, in September 1990, the seventeenth session of the Commission of Fifteen on Refugees of the Organization of African Unity (OAU). The "Khartoum Declaration" on Africa's refugee crisis, adopted at that session, stated, inter alia, that the problem of 5 million African refugees had reached such proportions that it exceeded the capacity of the continent to

(Mr. Siralkhatim, Sudan)

solve it, at a time when the African countries also had to address problems such as desertification, the increased debt burden, the fall in commodity prices and climate change. If the 1980s had been a lost decade, the 1990s could well be tragic for the African refugees. The international community must provide OAU and its member States with the financial assistance and moral support they needed in order to find lasting solutions to those problems.

27. The Sudan had received 950,000 refugees over a period of a quarter of a century. Between January and October 1990 alone, it had received more than 40,000 refugees. In view of the economic deterioration and the food shortage that the country was facing as a result of adverse weather conditions, his delegation urged the international community to provide it with the necessary assistance to deal with the problem. The Sudan was grateful to UNHCR, the World Food Programme and all the donor countries that had contributed food for the refugees, as a result of which their support could be guaranteed until May 1991.

28. In accordance with General Assembly resolution 42/129, of 7 December 1987, the Sudan had drawn up a plan of action, in co-operation with the Sudan Refugee Office, UNDP and UNHCR, for the rehabilitation of the regions where the refugees were living.

29. His delegation was pleased that UNHCR, which would soon be celebrating its fortieth anniversary, had received the Nobel Peace Prize for its contributions to the repatriation of 48 million refugees.

30. Mr. CHADERTON-MATO (Venezuela) commended UNHCR for its work in regard to refugee protection which, moreover, had encouraged Member States to join in drawing up the necessary legal norms to guarantee refugees the enjoyment of their basic rights in the country of asylum. Venezuela had decided to host a Regional Office of UNHCR in its territory; in the next few days, the Government of Venezuela and UNHCR would be signing the agreement of co-operation on the establishment of that Office, which would co-ordinate programmes for the South American and Caribbean countries.

31. With regard to the work carried out by UNHCR during the period 1989-1990 (A/45/12), his delegation noted with satisfaction the repatriation of 43,000 Namibians as part of implementation of the Independence Plan for Namibia. That accomplishment, along with the hopes inspired by recent political developments in South Africa, was one of the most encouraging factors in the difficult situation of Africa, where the number of refugees was constantly increasing. He was also pleased to note the support that had been received by the Follow-up Committee of the International Conference on Central American Refugees. His delegation regretted that no progress had been made in Asia, where Afghan, Cambodian and Vietnamese refugees were still waiting for a durable solution. The critical situation of the hundreds of thousands of people trapped within the boundaries of the Persian Gulf countries and of the thousands of Palestinian refugees was also a matter of concern. Consequently, his delegation appreciated the humanitarian aid

(Mr. Chaderton-Mato, Venezuela)

which UNHCR, the Office of the United Nations Disaster Relief Co-ordinator (UNDRO), the International Red Cross, the International Organization for Migration and donor Governments had provided to the affected populations.

32. With regard to UNHCR's disturbing financial situation, he reaffirmed the opinion his delegation had expressed at the extraordinary session of the Executive Committee, namely, that at times of budgetary difficulties, measures of a social nature to assist refugees would enhance the impact of the financial resources allocated to the different programmes.

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)

33. The CHAIRMAN stated that none of the draft resolutions proposed under agenda item 95 had programme budget implications.

Draft resolution A/C.3/45/L.27

34. The CHAIRMAN announced that Chile, Guyana, Lesotho, Mali and Suriname had joined the sponsors of draft resolution A/C.3/45/L.27, entitled "Humanitarian assistance to victims of natural disasters and similar emergency situations".

35. Mr. BOUTET (France) repeated his proposal, made when the draft resolution was introduced at the 36th meeting, that the following amendments should be made to the text of the draft resolution. In the fifth line of paragraph 6, the words "Governments and the" should be replaced by the words "affected Governments and Governments and". In the fifth line of paragraph 8, the word "similar" should be inserted after the word "or" and the words "the basis of the report of the Secretary-General and" should be inserted after the word "on".

36. Draft resolution A/C.3/45/L.27, as orally revised, was adopted without a vote.

37. Mr. de BRITO CRUZ (Brazil) said that Brazil had joined the consensus for the reasons given when resolution 43/131 had been adopted.

Draft resolution A/C.3/45/L.31

38. The CHAIRMAN announced that the Philippines and Lesotho had joined the sponsors of the draft resolution entitled "New international humanitarian order" and said that the Secretariat had taken note of the corrections to paragraphs 5 and 6 in the Spanish version.

39. Draft resolution A/C.3/45/L.31 was adopted without a vote.

Draft resolution A/C.3/45/L.34

40. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/45/L.34 entitled "Promotion of international co-operation in the humanitarian field".

41. Draft resolution A/C.3/45/L.34 was adopted without a vote.

42. The CHAIRMAN announced that the Committee had completed its consideration of agenda item 95.

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

Introduction of proposed amendments detailed in document A/C.3/45/L.46

43. Ms. OJAMAA (United States of America), introducing document A/C.3/45/L.46 on amendments to draft instruments and resolutions recommended for adoption by the General Assembly in document A/CONF.144/28, chapter I, section A, said that, as it had indicated in its statement on agenda item 100, her delegation wished to submit amendments to four of the 13 draft instruments and resolutions recommended by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, although it would have preferred consideration of those items to be deferred until Governments had had the opportunity to comment and to conduct technical reviews. Although the United States might have preferred more extensive amendments or revisions, since many other delegations wished to adopt the draft resolutions by consensus during the current session, her delegation would propose four narrow amendments which would permit it to join the consensus.

44. In the view of her delegation, the four amendments in question were technical and non-controversial in nature. Paragraphs 22, 23 and 24 of Part B of the annex to draft No. 1 (pp. 13 and 14) were inconsistent with draft No. 2, in that they would prejudge the conclusions to be reached by the intergovernmental working group that would be established pursuant to that draft. It should be remembered that those paragraphs had been formulated more than two years earlier in a regional meeting, long before the initiation of the plan in draft No. 2 to create an intergovernmental working group to evaluate all aspects of the United Nations crime prevention and criminal justice programme and to produce a report elaborating proposals for an effective programme and suggestions as to how that should be implemented. For those reasons, her delegation proposed that paragraphs 22, 23 and 24 of Part B of the annex to draft No. 1 should be deleted.

45. Her delegation proposed that the words "and, where the State concerned is a party," should be inserted after the words "Universal Declaration of Human Rights" in the third line of paragraph 5 of the annex to draft No. 5 (Basic principles for the treatment of prisoners) (p. 36). Although the wording of the draft was technically correct it was not accurate with respect to States which were not parties to all of the treaties in question and were not obliged to comply with their provisions.

(Mr. Ojamaa, United States)

46. Her delegation proposed that the examples listed after the words "deprivation of liberty" in the fourth line of paragraph 13 of the annex to draft No. 7 (United Nations Rules for the Protection of Juveniles Deprived of their Liberty) (p. 53) should be deleted. What needed to be emphasized was the basic principle that juveniles deprived of their liberty should enjoy rights to which they were entitled under national or international law and which were compatible with deprivation of liberty, and the listing of examples diverted attention from that basic principle. The use of examples implied priorities, inevitably omitted some important points and often created controversy.

47. Her delegation proposed that the text in quotation marks in footnote 56 (page 74) to draft No. 10 (Model treaty on extradition) should be added to the text as a separate paragraph, coming after article 3 (a). That amendment would make it clear that "an offence of a political nature" did not include offences under a multilateral treaty requiring prosecution or extradition when the parties to an extradition treaty were also parties to the particular multilateral treaty concerned or offences under an extradition treaty that were not of a political character. The amendment was applicable only when the parties to an extradition treaty were also parties to the same multilateral treaties providing for prosecution or extradition with regard to such offences.

48. Prior to tabling the amendments, her delegation had consulted with the Secretariat and with Italy and Cuba, the sponsors of draft resolution A/C.3/45/L.19 entitled "Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders". It hoped that the four technical amendments, as well as the 13 draft instruments and resolutions, would be adopted by consensus.

49. The CHAIRMAN said that, if there were no objections, the deadline for draft resolutions under agenda item 110 would be extended to the following meeting, as requested by a number of delegations.

50. It was so agreed.

The meeting rose at 4.35 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
46th meeting
held on
Monday, 19 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 46th MEETING

Chairman: Mrs. ZINDOGA (Zimbabwe)
(Vice-Chairman)

CONTENTS

AENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

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5 December 1990
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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (A/45/3, chap. III, sect. E, A/45/12 and Add.1, A/45/378, A/45/449, A/45/450, A/45/480, A/45/649 and Corr.1 and Add.1)

1. Mr. MALONE (Canada) said that the situation facing the Office of the United Nations High Commissioner for Refugees (UNHCR) had never been more challenging. The conflicts which had erupted, for example in Liberia, had created new flows of refugees. At the same time, progress had been made, both in resolving the problems created by displaced populations and in promoting co-operation between the international organizations responsible for taking action in various fields relating to refugees.

2. In Indo-China, for instance, the High Commissioner, as the representative of the Secretary-General, had taken an innovative step by overseeing the return to Viet Nam of asylum-seekers whose refugee status had not been recognized. As a result of that initiative, the countries of first asylum, reassured that persons whose refugee status was not recognized would not remain indefinitely on their territory, would be more inclined to adhere to the principle of first asylum.

3. In southern Africa, the Office of the High Commissioner, having facilitated the return of more than 42,000 Namibians, was preparing, at the request of the General Assembly, for the repatriation of a comparable number of South African refugees. The parties concerned in South Africa were increasingly willing to co-operate with the Office of the High Commissioner. In that connection, it was essential both that UNHCR should have at its disposal all the resources it needed to monitor the situation of those repatriated after their return to South Africa and that it should begin its operations expeditiously, substantially completing them by April 1991 in order to facilitate prospects for a negotiated settlement in South Africa. For its part, Canada was prepared to provide $5.8 million to multilateral and non-governmental organizations for the repatriation and resettlement of refugees and political prisoners, regardless of their political affiliation.

4. In Eastern Europe, events of a different kind led to the conclusion that, with the elimination of obstacles to freedom of movement, fewer and fewer people would have need of the protection of UNHCR. A number of countries in the region had taken steps towards accession to the 1951 Convention relating to the Status of Refugees, a development which was encouraging.

5. Progress had also been visible during the influx of refugees caused by the Iraqi invasion of Kuwait, with regard to the co-operation between Governments and the international organizations operating under the auspices of UNHCR or independently. Far from diminishing the role of UNHCR, the tasks undertaken by those organizations were evidence of an intelligent and rational division of international responsibilities relating to assistance to refugees and their repatriation. Indeed, without the early participation of the High Commissioner in

(Mr. Malone, Canada)

the co-ordination and planning of the relief effort, the task of those organizations would undoubtedly have been more difficult.

6. At the same time, it was absolutely essential that UNHCR should concentrate its efforts on those persons who fell within its mandate, namely refugees recognized as such under the 1951 Convention, rather than the millions of people seeking asylum in the search for a better life, a category which included relatively few who were fleeing from persecution. It was only on that condition that UNHCR could fulfil its mandate with the limited resources available to it.

7. Canada, which was a fervent supporter of UNHCR and was therefore anxious to ensure its effective operation, hoped that the distinction established by the Convention between genuine refugees and others would be properly respected at the national and international levels. If Governments and international organizations were unable to make such a distinction, the very institution of asylum would be jeopardized.

8. Ms. PETTER (Observer for Switzerland) said that refugees whose flight was caused either by violence - the civil war in Liberia, or the Gulf crisis, for example - or by poverty, climatic changes, environmental degradation or natural disasters, were the collective responsibility of the international community as a whole: States of origin, countries of asylum or transit, and donor countries. It was up to the international organizations which provided the framework for co-operation between States to try to remedy the underlying causes of refugee flows by helping to promote respect for human rights and the peaceful settlement of disputes. If such efforts were not sufficient to prevent refugee flows, the voluntary return of the exiles should be encouraged. Should that solution not prove feasible, their integration in the receiving country should be facilitated, or their resettlement in a third country arranged. A joint effort by rich and poor countries was indispensable, in terms of economic development and stabilization, both in order to reduce the pressures of migration and to facilitate the reintegration of asylum-seekers who were not recognized as refugees. In the case of displacements which were purely migratory, such economic measures might be backed up by an information campaign aimed, on the one hand, at discouraging emigration, and on the other, at encouraging return to the country of origin.

9. On the other hand, it should be clear that measures of protection applied solely to the victims of persecution, persons who could claim the status of refugee under the 1951 Convention, and persons fleeing from violence. Like most countries of the northern hemisphere, Switzerland granted asylum only to persons who could meet the criteria of the 1951 Convention and to other persons who were unable to claim the status of refugee but whose return was excluded on the grounds of the situation prevailing in their country of origin.

10. It was also important that the principle of first asylum should always be respected, whatever the circumstances, and that those seeking asylum were never turned back. The guarantee of first asylum also presupposed a joint effort on the part of the receiving countries and the donor countries, especially in the form of

(Ms. Petter, Observer, Switzerland)

assistance, and of the countries of origin, which should prevent clandestine emigration and facilitate the return of persons not recognized as refugees.

11. In that respect, the Office of the High Commissioner was the expression of the joint responsibility of States for refugees. Its humanitarian task was carried out in co-operation with States and with other international and non-governmental organizations. The more such collaboration intensified, the more effective its action became. Switzerland was participating in that co-operation. It accordingly shared the general satisfaction that had been expressed with regard to the steps taken to try to extricate the Office of the High Commissioner from the financial crisis resulting from the gap between steadily increasing needs and limited resources. Switzerland would continue to extend its financial and political support to UNHCR to enable it to continue to function with the dynamism, impact and autonomy consistent with its humanitarian tasks.

12. Mr. VAN SCHAIK (Netherlands) reaffirmed the importance his delegation attached to international protection and material assistance for refugees and the essential role played by UNHCR. He stressed the fact that human rights constituted the core of the refugee problem and that the situation in that regard, which in many countries left much to be desired, must be redressed. His country would continue to play an active role in that connection.

13. The strengthening of the international protection of refugees, which was one of the primary functions of UNHCR, was the responsibility of the international community as a whole. For that reason, all States should accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The Netherlands reaffirmed its commitment to the Convention, and fully supported the effors of UNHCR to protect refugees. In accordance with its obligations under international instruments, it would continue to make every effort to protect asylum-seekers in its territory, and urged other countries to do likewise. In that connection, the decision of UNHCR to pay special attention to the plight of refugee women and children deserved particular mention. The Netherlands noted with deep concern that a number of countries had turned back asylum-seekers and had rejected requests for asylum on the grounds of a strict application of the notion of "country of first asylum", even where the persons concerned were not permitted to re-enter or remain in the country from which they had come. It was also concerned at the ever-increasing number of asylum-seekers of whom only a few had serious grounds for fearing persecution, as the High Commissioner mentioned in his note on international protection.

14. His country very much favoured the adoption of comprehensive approaches such as the Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons and the Comprehensive Plan of Action for Indo-Chinese refugees. It commended the efforts of UNHCR to find humanitarian solutions that would provide for the protection of refugees and the safe, dignified return of those who could not claim refugee status. However, efforts should be made to reduce the number of the latter by organizing information campaigns and by providing assistance to the communities of origin. It was convinced that such

(Mr. Van Schaik, Netherlands)

approaches would help to achieve durable solutions to the extent that they were based on sharing the responsibility and the burden among the countries of origin, the countries of first asylum and the resettlement countries. His country would continue to support UNHCR initiatives of that nature and hoped that other countries would do likewise.

15. Flows of refugees, migrants and displaced persons were also generated by man-made disasters, such as civil war and tribal disputes, and by other factors such as drought, environmental degradation and poverty. Those very diverse causes required appropriate responses. For the international community, the great challenge was to determine how to deal with movements of refugees and asylum-seekers while at the same time ensuring respect for human values and guaranteeing international protection for those who needed it. His Government was convinced that the problems of migratory movements, of which refugee flows were only one element, could be solved through international co-operation that combined the traditional durable solutions, such as voluntary repatriation, local integration or resettlement with economic aid, with preventive action aimed at fostering the development of the regions of origin of the refugees. It hoped that the efforts of the Working Group on Solutions and Protection of the Executive Committee of the High Commissioner's Programme would contribute to finding comprehensive approaches to those problems during the 1990s. As a sign of its strong, continued support for the humanitarian mission of UNHCR, the Netherlands had decided to increase its annual contribution to the general programme budget of UNHCR by 10 million guilders as of 1991.

16. Mr. SZELEI (Hungary) said that, despite the general improvement in the world political situation, protection of refugees remained a priority issue. He acknowledged the role played by UNHCR and commended the tireless dedication and professional performance of UNHCR staff in ensuring the integration, resettlement or voluntary repatriation of refugees. Sadly, 40 years after the establishment of UNHCR and the adoption of the Convention relating to the Status of Refugees, there were still over 15 million refugees in the world, most of them women and children, living in tragic circumstances. That was why efforts should be intensified to find more comprehensive and innovative solutions to the problems of those refugees.

17. Multilateral co-operation had recently produced remarkable results, as illustrated by the adoption of the Comprehensive Plan of Action for Indo-Chinese Refugees and the International Conference on Central American Refugees. In view of that experience, other regions of the world, including Europe, might benefit from concerted action in favour of refugees.

18. The refugee problem was inseparable from the question of violations of human rights and fundamental freedoms. The denial of human rights and fundamental freedoms was the most common root cause of the waves of refugees, which could in turn constitute a source of national and international instability. Those aspects of the problem deserved the attention of the world community.

(Mr. Szelei, Hungary)

19. His country had been facing a serious refugee problem for the past three years. It had received more than 40,000 refugees from neighbouring Romania, including over 16,000 in 1990, and the number continued to grow. It was a deplorable fact that the overwhelming majority of those refugees belonged to the Hungarian minority in Romania. Hungary had given shelter to those refugees despite the considerable strain they imposed on its reception facilities and the heavy expenditure involved in terms of public assistance, which seriously affected the national economy. In that connection, it wished to thank those Governments which had contributed assistance in response to the appeal of UNHCR. In view of the seriousness of the situation, it was forced to call for further attention and support in coping with the continuous influx of refugees into Hungary.

20. It was the inalienable right of every individual to live in his native land, and to enjoy human rights and fundamental freedoms, including the right to leave his country and to return. In that connection, his delegation believed that the international community should use every available means to promote the voluntary repatriation of refugees to their countries of origin.

21. At the same time, the countries of origin should seek appropriate solutions and should, inter alia, address the root causes of the problems and facilitate the voluntary repatriation of their nationals who were not refugees. That was why his delegation could only support the recommendation adopted by the Executive Committee at its most recent session in which it emphasized the need for a more detailed articulation of the concept of State responsibility, particularly that of countries of origin.

22. In suggesting that voluntary repatriation should be encouraged through international co-ordination, his delegation was seeking to fulfil three objectives: to allow those who so wished to return home; to give the authorities of the countries of origin a chance to prove that they were committed to ensuring respect for the human rights and fundamental freedoms of their citizens and to allow the Governments of the countries of origin to undertake to provide the refugees and the international community with guarantees that the human rights of voluntarily returning refugees would be respected.

23. His delegation therefore suggested that either the Executive Committee of UNHCR or another competent United Nations organ acting in liaison with UNHCR might provide an appropriate forum for seeking a comprehensive approach to ensuring the early and safe return of refugees to their country of origin. For its part, his delegation would like to see an international instrument drafted on that delicate issue.

24. Mrs. DINH THI HUYEN (Viet Nam), after mentioning the various causes of refugee flows, referred to the problem of Indo-Chinese refugees, particularly Vietnamese refugees, a problem which had complex historical causes: wars and their aftermath, hostile policies and economic blockade, and the resulting national economic difficulties. The people and the Government of Viet Nam had done their best to heal the wounds of 45 years of war and to restore the economy. Now, more than

(Mrs. Dinh Thi Huyen, Viet Nam)

ever, it was essential that the entire people should participate in the rebuilding of their country. The exodus of its nationals had created economic and social difficulties for her country and problems for the countries of first asylum.

25. With a sense of its responsibilities as a country of origin and a determination to solve the problem, her country had adopted a series of practical measures and was now working to implement the Comprehensive Plan of Action for Indo-Chinese refugees, particularly the provisions regarding clandestine departures, regular departure programmes and voluntary repatriation. On the instructions of the Chairman of the Council of Ministers, the following measures had been implemented throughout the country: prohibition of clandestine departures and punishment of those who encouraged such departures; a media campaign to increase awareness of the dangers involved in clandestine departures, of the miserable situation of asylum-seekers in the camps in the region and of the complexity of procedures for obtaining refugee status and resettlement in other countries; expansion of the orderly departure programmes; and, the improvement of the orderly reception of those who volunteered to repatriate, with international financial assistance and supervision.

26. As a result of those measures and with the assistance of UNHCR, the donor countries and the countries concerned, substantial progress had been made in implementing the Comprehensive Plan of Action. Since March 1989, 6,095 Vietnamese had returned to Viet Nam, of whom 5,410 had come from Hong Kong and the rest from various camps in the region. The number of asylum-seekers applying for voluntary repatriation was increasing, and the number of clandestine departures had so far decreased by over 50 per cent in 1990 as compared with the same period in 1989.

27. In order to keep up the momentum, international solidarity and concerted effort must be strengthened between all the countries concerned: the countries of first asylum, the countries of resettlement, the countries of origin, the donor countries and UNHCR, as well as United Nations agencies and other international and non-governmental organizations.

28. Viet Nam, for its part, would continue its own policy. It was trying its best to promote voluntary repatriation of 1,000 people a month from Hong Kong, while remaining opposed to any form of forced repatriation. In that connection, her delegation shared the view expressed by a number of previous speakers, including the representative of Indonesia, that such measures could only be successful if they were supported by external development assistance addressing the root causes of the problems and by reintegration assistance for returnees. She also agreed with the representative of Italy that the refugee question could not be dealt with in isolation but must be part of a comprehensive approach taking into account economic conditions in the regions where the refugees settled and in their countries of origin. Economic assistance and development assistance were thus the key elements in the search for a solution to the refugee problem.

(Mrs. Dinh Thi Huyen, Viet Nam)

29. Her delegation welcomed the initiative taken by the European Community in elaborating a programme of reintegration assistance for Viet Nam, and the measures taken by other countries to that end. The flow of Vietnamese refugees could only be arrested by lifting the economic blockade against Viet Nam. She concluded with a tribute to the work of UNHCR and to the tireless efforts of its staff to carry out their purely humanitarian and non-political activities.

30. Mr. AHMAD (Malaysia) also stressed the need for the international community to find durable solutions to the global refugee problem. The immensity of the task called for increased international co-operation and improved collaboration among Governments and the competent international agencies. The United Nations which, over the years, had played a major role in the matter should strengthen its efforts to pursue a multidimensional approach to all those problems. His delegation paid a tribute to the Office of the High Commissioner for what it had accomplished despite its financial crisis and welcomed the conclusion of its Executive Committee at its forty-first session (Geneva, October 1990), encouraging it to secure additional income from non-traditional sources, particularly those Governments that had not contributed before, and from private donors.

31. It was time for UNHCR to revise its approach to the refugee problem, which was becoming increasingly vast and complex. It should recognize the limited capacities of asylum and resettlement countries. His delegation concurred in the approach whereby emphasis would be given to prevention and early warning of developing refugee situations, and it preferred mediation as a method of solving problems. It was also important to distinguish between refugees and persons seeking to migrate for economic reasons. In his delegation's view, the countries of origin must help in the search for appropriate solutions, inter alia, by addressing the root causes of the problems as well as by facilitating voluntary repatriation and the return of their nationals who were not refugees. Despite the drop in the rate of arrivals of Indo-Chinese refugees, there was still a large number in the South-East Asian countries awaiting resettlement or repatriation to their own country. Over the years, the burden of providing temporary shelter for them had developed into a socio-political issue. After being screened, most of those people were found to be non-refugees, and the elements of the Comprehensive Plan of Action applying to their case should be implemented.

32. His delegation welcomed the decision of the Secretary-General to designate the High Commissioner as his special representative to co-ordinate efforts by all parties concerned to promote the phased and orderly return of non-refugees. It also believed that non-refugees should be encouraged to return voluntarily to their home country. In that connection, it welcomed the move by the European Community, as announced in Jakarta during the ASEAN Post-Ministerial Conference (July 1990), to initiate a comprehensive regional programme for the repatriation of the Vietnamese "boat people", including assistance through the non-governmental organizations, to the areas to which those people returned. His delegation believed that the documentary film produced by UNHCR on the repatriation programme had to a certain extent deterred the Vietnamese from leaving their country and the programme should therefore be continued.

(Mr. Ahmad, Malaysia)

33. In the light of the encouraging political developments in the Cambodian situation, his delegation was in favour of a major United Nations operation to repatriate and resettle thousands of Cambodian displaced persons in Cambodia in the near future. In view of the high cost of such a programme, it urged Member States of the United Nations to contribute generously when the time came in order to ensure its success.

34. Mr. GALAL (Egypt) said that UNHCR's financial crisis was particularly alarming because it came at a time when its activities were expanding, not only in Africa, where the Namibians had had to be resettled and where conflicts between Senegal and Mauritania and events in Liberia had set off new refugee flows, but also in Central America and Asia. He urged the donor countries to make a special effort to help UNHCR overcome its financial difficulties. His own country was happy to announce a contribution to UNHCR of 6,000 Egyptian pounds for 1991. That essentially symbolic contribution was intended to mark Egypt's confidence in the work of the Office of the High Commissioner.

35. UNHCR's financial crisis was being exacerbated by an administrative crisis. In that connection, he pointed out that, although the developing countries were the chief beneficiaries of the resources provided by the donor countries, it was none the less necessary to exercise caution lest the UNHCR administration should become the fief of a single group of countries. On that point he wished to pay a tribute to Prince Sadruddin Aga Khan, who had been careful, when he served as United Nations High Commissioner for Refugees, to see that there was a convergence of views between donor and beneficiary countries. Given the enormous influence exercised by the High Commissioner, it was essential that the person occupying the post should be known for his integrity and competence. It was also essential that he should be chosen on the basis of all his qualifications in accordance with the principles of the Charter, without distinction as to race and in accordance with the principle of equitable geographical distribution.

36. The increase in the number of refugees in Africa was a matter of great concern. The situation was due to a series of factors, including deteriorating economic and social conditions, frontier and tribal disputes, the legacy of colonialism and apartheid. In that connection, everything should be done to ensure that the principles adopted at the Oslo Conference were implemented.

37. In the Middle East, the crisis in the Persian Gulf was a human catastrophe because of the number of refugees and displaced persons it had spawned. Whereas the humanitarian of the Red Cross and Red Crescent was to be commended, apparently UNHCR had not played a significant role in that situation. Perhaps UNHCR had been prevented from doing its job in the Gulf because of administrative difficulties. In his view, the Office of the High Commissioner should be able to respond to all emergency situations, wherever they arose. In that connection, Egypt was following with close attention the work of the Working Group on Solutions and Protection of the Executive Committee of the High Commissioner's Programme, which had held its most recent meeting at Geneva on 13 and 14 November 1990. In his delegation's view, a political declaration should be drafted, reaffirming the principles on

(Mr. Galal, Egypt)

which UNHCR had been founded and the objectives it sought to achieve. Such a declaration would fill the gaps that now existed with regard to defining the various categories of refugees. Moreover, it would be useful both to the donor countries, which would be helped in mobilizing the necessary resources, and to the beneficiary countries, which would be given guidelines for preventing new refugee flows through respect for human rights.

38. Mr. O'BRIEN (New Zealand) said that the end of the cold war and the new opportunities it provided compelled the international community to redouble its efforts to solve the problem of refugees with which it had been confronted for so many years. The necessity was all the greater since, in addition to having to cope with financial constraints and reorganization problems, UNHCR had also seen the departure of two High Commissioners in a little over a year. His country welcomed the strategy adopted by UNHCR with a view to ameliorating the resource problem and the structural changes made in order to meet the ongoing challenges.

39. Recognizing both the humanitarian needs of refugees and the destabilizing political aspects of refugee flows, New Zealand strongly supported the work of UNHCR and had contributed to it for many years. In the present year, his country had again shown its support by increasing its contribution, admitting at least 800 new refugees from many countries and contributing to refugee relief throughout the world, priority assistance being given in recent years to ASEAN countries in their efforts to cope with the burden of the tragic Indo-China refugee situation. In that connection, his Government continued to attach great importance to the Comprehensive Plan of Action drawn up by the International Conference on Indo-Chinese Refugees, which provided the most realistic framework for dealing with the problems of asylum-seekers from that region. It welcomed the positive developments in the implementation of the Plan, particularly with regard to the resettlement of camp populations. The increase in the number of orderly departures from Viet Nam was encouraging, as was the decrease in clandestine departures from that country. It was true that implementation difficulties had continued to arise, but thanks largely to the efforts of UNHCR staff, the Plan had remained intact. Under the Plan, New Zealand was pledged to take 1,000 refugees from Indo-China over a three-year period starting in April 1990, and good progress had already been made towards achieving that goal.

40. New Zealand also had a commitment to accept as many high-risk cases as possible, including women at risk and handicapped persons. The resettlement of people in those categories was a real problem, and his Government hoped that others would join in the efforts being made. The plight of refugee women with dependent children deserved special attention; the special efforts of UNHCR in that connection were to be commended.

41. In New Zealand, as everywhere else in the world, the role of non-governmental organizations in refugee aid remained essential. All countries should increase and strengthen their contacts with those agencies.

(Mr. O'Brien, New Zealand)

42. New Zealand had not remained indifferent to the fate of people of many different nationalities forced by the Gulf crisis to flee to countries neighbouring Kuwait and Iraq. His country's first contribution had consisted in providing food aid through the Egyptian Red Crescent Society. In addition, New Zealand had provided two aircraft for the repatriation of Asian workers from Jordan.

43. Like other Governments, New Zealand considered that the phenomenon of refugees and the related issue of migratory movements had to be re-examined in all their aspects. A debate with the participation of experts from a wide range of disciplines should be initiated with a view to developing comprehensive solutions. In that context, his Government would follow with interest the progress of the Temporary Working Group on protection and solutions established by the Executive Committee of the High Commissioner's Programme.

44. Mr. KHOSHROO (Islamic Republic of Iran) said that the decline in the budgetary situation of the Office of United Nations High Commissioner for Refugees, emanating as it did from the sharp decrease in voluntary contributions, reflected a general sense of indifference towards the wretched condition of refugees, whose number was continually increasing. That deplorable situation added to the burden of host countries, most of which were developing countries, and damaged the credibility of international organizations apparently incapable of shouldering their responsibilities.

45. Although the Islamic Republic of Iran was host to the second largest number of refugees in the world, it received only a small portion of international contributions to refugee aid, and even that small portion had been repeatedly revised in the past few years, making his country's assistance effort extremely precarious. There were 2,300,000 Afghan refugees in his country. Regrettably, no serious measure had been initiated for their voluntary return to their homeland. Furthermore, plans adopted by both UNHCR and IFAD had failed to be implemented owing to lack of financial resources. One such plan had been the scheme to revitalize pastures in southern Khorassan with the twofold aim of providing training for Afghan refugees and of compensating for environmental damage incurred. Furthermore, although expert missions sent by UNHCR to the Islamic Republic of Iran during the past summer had declared that the definition of refugee applied to the majority of Kurdish and Arab Iraqi refugees there, his country was practically alone in shouldering the burden of assistance to those refugees. In addition, individuals of different nationalities had taken refuge in his country to escape the current crisis in the Persian Gulf. There was an urgent need for transportation vehicles, food, clothing and other basic goods in order to provide those refugees with decent living conditions and transfer them to their own countries.

46. In the light of the foregoing, the necessity for a concerted effort on the part of the international community to mobilize the necessary resources could not be sufficiently stressed.

47. Ms. MUCAVE (Mozambique) said that in his excellent presentation on the subject of refugees, returnees and displaced persons, the Officer-in-Charge of the Office of the United Nations High Commissioner for Refugees, Mr. Douglas Stafford, had underlined the urgent need for efforts to achieve durable solutions for the countries most affected by the problem.

48. Her country welcomed the concerted efforts by the relevant organs of the United Nations and other international agencies to save the lives of millions of refugees throughout the world. The three international conferences convened since 1988, namely, the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, the International Conference on Central American Refugees and the International Conference on Indo-Chinese Refugees, all of which had contributed towards greater international awareness of the refugee question, bore witness to those efforts.

49. Notwithstanding some positive developments in that field which gave grounds for renewed optimism at the international level, the overall refugee situation could not be said to have improved significantly. Indeed, the problem of refugees continued to be a matter of great concern particularly in Africa, where the eruption of new sources of conflict had regrettably resulted in new refugee flows throughout the continent. In that context, her own country's situation continued to be extremely difficult. According to a report on emergency requirements for the period 1990-1991 prepared by the Government of Mozambique in collaboration with the United Nations and presented in April 1990 at the Fourth International Donors' Conference, more than 4.5 million rural Mozambicans were living under emergency conditions which were the direct consequence of war. Of that number, 2 million were internally displaced persons. The situation was further complicated by the increased number of refugees returning voluntarily without any means of subsistence. The total number of persons directly affected by the war was close to 5.6 million.

50. Having decided to pursue a policy of reconciliation with a view to a rapid normalization of life for all Mozambicans, her Government was currently engaged in direct negotiations with representatives of RENAMO in Rome. She was convinced that those talks would be successful and that peace and tranquillity would be restored soon in her country.

51. The return to peace and security in Mozambique would entail the urgent implementation of a special plan to arrange for the voluntary repatriation, resettlement and reintegration of the large number of returnees and displaced persons. In that connection, the United Nations High Commissioner for Refugees (UNHCR) played an important role in implementing the tripartite agreement concluded on 21 December 1988 between the Government of Malawi, the Government of Mozambique and UNHCR which was aimed, inter alia, at considering ways and means of improving the repatriation process. The international community was therefore invited to maintain and even increase its support for the initiatives and programmes of the Mozambican Government and the competent international agencies, especially those of UNHCR. She expressed deep gratitude to all those who, in response to her country's appeal for assistance to refugees, returnees and displaced persons, had worked and

(Ms. Mucave, Mozambique)

were continuing to uphold human dignity and strengthen humanitarian international co-operation.

52. Mr. OSMAN (Somalia) said that the forty-fifth session of the General Assembly had opened in an international climate that was more favourable than it had been in four decades. It was therefore a unique opportunity to seek means of settling the thorny issue of refugees which created for many countries, but especially for the developing countries and the least developed among them, humanitarian, social and economic problems detrimental to their development. Moreover, in many parts of the world, the refugee situation potentially threatened international peace and security and nullified the positive effects of détente.

53. His delegation noted with deep satisfaction UNHCR's remarkably successful repatriation of 43,000 Namibians in 1990 as part of the implementation of the Independence Plan for Namibia under Security Council resolution 435 (1978) (A/45/12, para. 3). His delegation shared the view of the High Commissioner that recent developments in South Africa might lead to a political settlement to the problems of that country, bringing to an end the conditions that had caused several thousand South Africans to seek refuge outside their country.

54. He also welcomed the establishment by the Secretary-General of the United Nations and the Organization of American States (OAS) of the International Support and Verification Commission (CIAV), which had been called for under the Joint Plan for the voluntary demobilization, repatriation or relocation in Nicaragua or third countries, of members of the Nicaraguan resistance and their families.

55. Those positive developments should not be allowed to obscure the continuing serious refugee situation in other areas. For instance, according to the High Commissioner's report, the repatriation of over 5 million Afghan refugees now in Pakistan and Iran was stalled by the political situation in Afghanistan. A number of countries in Africa, including Somalia, Malawi, Sudan, Uganda, Côte d'Ivoire and Guinea, were experiencing new influxes of refugees fleeing civil war in their countries of origin.

56. With regard to the refugee situation in Somalia, he pointed out that his country, like the other least developed countries, had a fragile and inadequate infrastructure but had none the less been providing assistance to over a million refugees for a decade. Despite social problems and the destructive environmental effects of the large refugee presence, the Somali Government, with the assistance of the international community and the United Nations agencies, especially UNHCR, had assumed its moral and humanitarian responsibility in that regard. However, the assistance provided by the United Nations agencies now fell short of requirements. Moreover, in August 1989, UNHCR and the World Food Programme (WFP) had discontinued their assistance to refugees in the north-west of the country. In doing so, they had worsened an already alarming situation by causing severe shortages of food and essential drugs. In February 1990, in response to an appeal by the President of Somalia, a short-term emergency programme had been launched under the auspices of the Secretary-General, but implementation of the programme had recently been

(Mr. Osman, Somalia)

suspended. It was hoped that negotiations for the resumption of humanitarian assistance to refugees which were in progress between the Government of Somalia and the competent international agencies would bring about an improvement in the refugee situation in the north-west districts of Somalia.

57. His Government had always considered that the best solution to the refugee problem lay in voluntary repatriation. It was prepared to provide the necessary support to enable the refugees in Somalia to return home voluntarily. The High Commissioner noted in his report that, by the end of February 1990, out of the 446,000 refugees in southern Somalia, 107,000 had opted for voluntary repatriation. According to the report, in March 1990 UNHCR had appealed to the international community for funds to solve the problem of refugees in Somalia. That appeal, which had been preceded in the second half of 1989 by three meetings of the Tripartite Commission comprising representatives of Somalia, Ethiopia and UNHCR, with WFP as an observer, covered, inter alia, the 107,000 refugees just mentioned plus the voluntary repatriation of some 60,000 refugees from north-western Somalia.

58. His delegation was convinced that the initiatives now being taken to restore peace and stability in the region would enable the refugees in Somalia to return voluntarily to their homeland. Two months previously, his Government had introduced far-reaching political reforms, including a new Constitution. The reforms were aimed, among other things, at making Somalia a multi-party democracy. It had also been decided to free all political prisoners.

59. Somalia had also participated in the action taken by the other countries in the Horn of Africa, under the aegis of the Intergovernmental Authority for Drought and Development, with a view to promoting economic development and restoring peace and harmony in all countries of the subregion.

60. In conclusion, he said that his country expected the international community to increase its humanitarian and development assistance to his country, which intended to continue to co-operate with UNHCR and the other United Nations agencies with humanitarian responsibilities.

61. Mr. PANYA (Lao People's Democratic Republic) said that his delegation wished to pay tribute to UNHCR for its tireless efforts during the previous year in the performance of its duties, notwithstanding shortage of staff and a budget shortfall running into tens of millions of dollars. His delegation deplored the resignation of Mr. Stoltenberg who, in the space of 10 months, had realistically and vigorously tackled the urgent and highly complex problems faced by UNHCR.

62. Although signs of an easing of tension were apparent in some parts of the world, armed conflicts and new crises had led to further refugee movements. To the long-standing unresolved problems in South Africa, Mozambique and the Middle East had now been added the Persian Gulf crisis caused by the brutal annexation of Kuwait and the civil war in Liberia which had forced hundreds of thousands of people to flee to neighbouring countries. That new situation called for emergency

(Mr. Panya, Lao People's Democratic Republic)

assistance from UNHCR, which could do nothing without adequate financial resources. It was therefore the duty of the international community to make a massive effort to assist UNHCR financially so that it could take up the new challenge.

63. In his delegation's view, voluntary repatriation was the best solution to the critical refugee situation. The proof was the successful repatriation of over 43,000 Namibians and the return of more than 30,000 refugees to their countries of origin in Central America. By contrast, in Afghanistan, although 170,000 Afghan refugees had been able to return home, a substantial number was still held up in Pakistan and Iran despite the national reconciliation policy of the Afghan Government.

64. In Asia, over 3,700 Vietnamese had returned to their country as part of the implementation of the Comprehensive Plan of Action for Indo-Chinese refugees. In June 1990, his Government, for its part, had helped in the voluntary repatriation of an initial group of Cambodian refugees from the Khao-I-Dang camp, authorizing them to cross Lao national territory. With regard to the Lao refugees in Thailand, his Government had always asserted that they could return home in dignity and in total safety if they so wished. His Government was in a position to repatriate 300 returnees a month, which might be increased to 500 with additional UNHCR assistance. Moreover, his Government made no distinction between voluntary returnees and those whom Thai law regarded as illegal immigrants. On their return home, all enjoyed the same treatment.

65. To date, some 6,000 people had returned to Laos with the assistance of UNHCR while an estimated 30,000 people had returned to that country of their own volition and by their own means. Moreover, the Lao Government was holding consultations with the Government of the People's Republic of China regarding the voluntary repatriation of 840 Lao refugees currently living in China.

66. In view of the increasing number of requests for voluntary repatriation and the improvement of relations between Thailand and the Lao People's Democratic Republic, it was reasonable to think that many Lao refugees who were still in camps in Thailand would choose to return home.

67. His delegation wished to thank UNHCR for its valuable support and assistance in the implementation of the voluntary repatriation programme for Lao refugees. It was very appreciative of the Thai Government's co-operation in receiving those refugees and the measures it had taken to facilitate their voluntary repatriation. Finally, his delegation expressed its sincere thanks to the countries members of the European Economic Community (EEC), the Japanese Government, and the international institutions and non-governmental organizations which had helped finance the High Commissioner's programme currently being implemented in Laos.

68. Miss SEMAFUMU (Uganda) said that her delegation had appreciated the statement by the Officer-in-Charge of UNHCR, Mr. Douglas Stafford, on the question of refugees. She hoped that the Secretary-General would be able to find, without undue interference, a successor to Mr. Stoltenberg who would be capable of filling the very important post of High Commissioner, and that the uncertainties surrounding the appointment of that replacement would not adversely affect the work of UNHCR.

69. Because of its complexity and its economic, cultural, social and political implications on the societies of host countries, the question of refugees called for concerted international action. The mass movements of populations had many causes but, for the past several years, there had been an increase in the number of refugees who left their homelands for economic and social reasons. In such conditions, any attempt to find a long-term solution of the refugee problem required an intersectoral and multidisciplinary approach.

70. The exodus of people who left their countries for economic reasons was not new. Particularly harmful to the development of poor countries was the brain drain, which deprived those countries of professionals in whose education Governments had invested a portion of their scarce resources in the hope they would help their countries break out of the vicious circle of poverty. What was even more saddening was the fact that those professionals did not always get a fair deal in comparison with the nationals of the host countries, and became a source of cheap skilled manpower.

71. While respecting the right of its nationals to choose the country where they wished to live, the Government of Uganda was attempting to create conditions conducive to the reversal of the brain drain and to that end had established a special office under the President's office, as well as a data base. However, until there was a fundamental change in the world economic order and until the right to development was realized, countries like Uganda would continue to suffer from the consequences of economic imbalances.

72. Despite the efforts of the international community to address the question, the number of refugees had risen from 7 million in 1980 to 15 million in 1990. The aim of UNHCR programmes was to provide refugees with a livelihood and promote their self-reliance; those programmes were also geared towards the resettlement of refugees in third countries or their voluntary repatriation. Since 12.5 million of the world's refugees lived in developing countries, the role of UNHCR was even more crucial. The number of people struggling to survive on less than $370 a year exceeded 1 billion, or one third of the total population of the developing world, and it was understandable that the influx of refugees had serious implications for the economic development of the countries of asylum, whose social and economic infrastructures were already heavily burdened. The work of UNHCR had not only benefited refugees, but had also eased the burden of the asylum countries. Her delegation was therefore extremely concerned at the current financial difficulties of UNHCR, which had been obliged to curtail its activities, particularly in Africa. In that regard, her delegation supported the general thrust of the recommendations of the Executive Committee of the High Commissioner's Programme on

(Miss Semafumu, Uganda)

administrative and financial matters contained in document A/45/12/Add.1. However, the proposed strengthening of the implementation of the programmes should be at the field level where the programmes took place.

73. For the past two years, the tireless efforts of UNHCR and the international community to solve certain long-standing problems had begun to bear fruit. The Comprehensive Plan of Action adopted by the International Conference on Indo-Chinese Refugees and Concerted Plan of Action in Favour of Central American Refugees, Returnees and Displaced Persons adopted by the International Conference on Central American Refugees, had yielded encouraging results. The return of more than 43,000 Namibians to their country following Namibia's accession to independence in March 1990 had been another step forward for the international community. Unfortunately, that picture was not without shadows. For example, the international community should provide humanitarian assistance to the countries which had received refugees from Liberia.

74. For its part, the Government of Uganda had succeeded, with the assistance of UNHCR, in the voluntary repatriation and resettlement of over 50,000 refugees from the Sudan and Zaire. Moreover, Uganda was endeavouring to repatriate Ugandans who had sought asylum in Kenya. However, Uganda's refugee problem was far from over since the deteriorating security situation in the southern Sudan had led to the influx into Uganda of over 50,000 refugees.

75. While it was important to provide assistance to exiles in order to enable them to lead as decent a life as possible, it was ultimately more important to facilitate their voluntary repatriation, since that would constitute a definitive solution - the most satisfactory for all parties concerned. Governments and the international community should therefore facilitate the return of refugees to their countries of origin in safety and dignity. In order for refugees to agree to return to their countries, three conditions were necessary: peace, respect for human rights and development. For that reason, all nations, individually and collectively, must strive to attain the fundamental goals of the United Nations, namely, the maintenance of peace and security, the peaceful settlement of disputes and respect for human rights and fundamental freedoms. With respect to development, the establishment of a new and equitable international economic order would not only reduce the need for extensive emergency and humanitarian assistance but would also alleviate considerably the serious problem of persons who left their countries for economic reasons.

The meeting rose at 12.35 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
47th meeting
held on
Monday, 19 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 47th MEETING

Chairman: Ms. COOMBS (New Zealand)

CONTENTS

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

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The meeting was called to order at 3.15 p.m.

ACENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (A/45/3, chap. III, sect. F, A/45/12 and Add.1, A/45/378, A/45/450, A/45/480, A/45/649 and Corr.1 and Add.1)

1. Mr. HUSLID (Norway) said that the international community should take advantage of the improved relations between the major Powers to address the global refugee problem through a comprehensive and coherent policy aimed at solving existing problems and preventing new ones. Durable solutions to the question of international protection should be sought through non-traditional approaches, with particular emphasis on the needs of refugee women and children. Co-operation between the Office of the United Nations High Commissioner for Refugees (UNHCR) and other relevant bodies should continue and increase.

2. He commended the promising efforts made to streamline the activities and structure of UNHCR. Concerning the appointment of a new High Commissioner, UNHCR would continue to need strong leadership and his country had therefore proposed a candidate who would be able to pursue the Office's constructive approach to refugee problems.

3. It was very disturbing that inadequate resources had prevented UNHCR from implementing programmes aimed at durable solutions and had forced it to concentrate largely on life sustaining activities. Norway had therefore increased its contributions for the current year to approximately $US 30 million and urged the international donor community to make a comparable effort in order to prevent a shortfall in contributions for 1990. The unpredictable nature of UNHCR funding was also cause for concern. Efficient delivery of assistance to refugees depended on funding arrangements that allowed for long-range planning. In order to ensure adequate programme delivery, UNHCR must have a system that was sufficiently flexible for it to be able to act immediately in emergencies while continuing its ongoing activities, pending the receipt of contributions. Norway therefore welcomed the fact that the Executive Committee, at its forty-first session, had considered the need for a new funding mechanism.

4. There had been positive as well as negative developments in the global refugee situation in the past year. In the area of voluntary repatriation, the preferred durable solution, there had been encouraging developments in Namibia and Central America, while contingency planning was under way for the possible future large-scale return of refugees to Afghanistan and Cambodia. While the Comprehensive Plan of Action for Indo-Chinese refugees had been successful in resettling some of that refugee population, the question of the return of Vietnamese who refused to be treated as refugees remained unsolved. His delegation viewed with cautious optimism the recent statements signed by the Governments of Viet Nam, the United Kingdom and Hong Kong and UNHCR concerning the return to Viet Nam from Hong Kong of persons who, while not volunteering to return, were not opposed to doing so. His delegation also hoped that a new "rescue at sea" arrangement would be established shortly.

(Mr. Huslid, Norway)

5. Some 15 million refugees currently depended on UNHCR for help. He hoped that the fortieth anniversary of the 1951 United Nations Convention relating to the Status of Refugees would inspire traditional as well as new governmental and private donors to provide UNHCR with the resources it needed to carry out its important tasks.

6. Mr. KRENKEL (Austria) said that despite some positive developments, the refugee problem had grown worse. In the past year, the total number of refugees had increased substantially. Some 15 million individuals, 80 per cent of them women and children, required the protection and assistance of UNHCR, yet the Office's resources were insufficient and even decreasing. The international community must therefore make a determined effort to finance voluntary repatriation. He hoped that efforts to repatriate Afghan, Cambodian and many African refugees would be successful and voiced his country's deep concern over the plight of the many refugees from Kuwait.

7. His delegation shared the concern expressed in the Executive Committee over widespread violations of the rights of refugee women and hoped that the Committee's conclusions and the future recommendations of the Commission on the Status of Women would be reflected in the revised internal guidelines. More attention should also be paid to refugee children and, given the long list of violations of the rights of refugees, international protection must remain central to UNHCR activities. In that connection, he called on countries that had not yet done so to accede to the basic international legal instruments on refugees and urged the withdrawal of any existing reservations to them.

8. Refugee movements must be distinguished from migration and other population movements, and Austria was soon to host a Council of Europe ministerial conference on East-West migration designed to promote co-operation among all the countries involved in such movements. Austria had received more than 2 million refugees since the end of the Second World War, but some 92 per cent of asylum-seekers were not refugees. Abuse of the procedure for determining refugee status could undermine the very institution of asylum, and the right of an individual to leave his country did not mean that a Government was obliged to receive everyone without distinguishing between refugees from persecution and migrants. Unfounded asylum requests were increasing and were a matter of legitimate concern. Lastly, his delegation welcomed recognition of the link between human rights and protection of refugees; in its view, the protection of refugees was an essential part of human rights.

9. Mr. CABOCHAN (Philippines) said there was an urgent need to take a fresh look at the capacity of the international community to respond to humanitarian emergencies. UNHCR was confronted with new challenges as the number of economic migrants increased, thereby compounding the refugee problem, and as the unstable and unpredictable nature of its funding undermined its capacity to respond. His Government therefore endorsed the decisions on administrative and financial matters adopted at the forty-first session of the Executive Committee and welcomed efforts to give UNHCR greater flexibility to ensure funding of ongoing and emergency needs pending the receipt of pledged contributions. He urged all Governments and

(Mr. Cabochan, Philippines)

non-governmental organizations that had not yet done so to provide financial support to UNHCR to help offset its shortfall in funds. His own Government would contribute as much as its financial difficulties permitted.

10. He commended UNHCR for its efforts to respond to refugee problems before they occurred as well as when they occurred. Early warning and mediation of developing refugee situations was one of the most effective methods for containing the problem.

11. Experience had shown that voluntary repatriation was the best solution for refugees and he hoped that political developments around the world would make it increasingly feasible. The International Conference on Central American Refugees (CIREFCA) served as a model of an integrated approach to solving the refugee problem, and other parts of the world could benefit from the Central American experience.

12. Since 1975, the countries of South-East Asia, including his own, had hosted hundreds of thousands of refugees and displaced persons and had shared their limited resources with them. Despite its own considerable economic and other difficulties, his country had shouldered its share of the burden of the Indo-Chinese "boat people". The existence of three refugee centres testified to his Government's active support for and participation in international efforts to provide temporary care and refuge for those people and to find a comprehensive and durable solution to their plight.

13. Despite determined efforts by first-asylum countries and many resettlement and donor countries, the viability of the Comprehensive Plan of Action for Indo-Chinese refugees was in doubt. The flow of "boat people" to the countries of South-East Asia continued, creating considerable social, financial, political and security problems for the countries concerned. In the Philippines, nearly 7,000 asylum-seekers had arrived in 1989 alone. The great majority of current asylum-seekers were economic migrants, not genuine refugees and did not therefore qualify for resettlement in third countries. That meant they would have to stay in first-asylum countries until they were repatriated or deported.

14. His delegation was seriously concerned that the Plan would be undermined by the selective implementation of its provisions. Although first-asylum countries were urged to offer temporary refuge to "boat people", the number of refugees being resettled was decreasing. There was some limited progress in voluntary repatriation, but international measures were needed to address the issue of the return of non-refugees. The provisions of the Plan were interrelated and must be implemented in a co-ordinated manner, with the full co-operation of all countries concerned.

15. The reforms initiated by the former High Commissioner must be continued. His delegation fully supported the emphasis on placing the issue of refugees and immigration, particularly the root causes of refugee movements and uncontrolled migration, high on the political agenda of the international community.

16. Miss JUNEJO (Pakistan) noted that the more than 3 million Afghan refugees to whom Pakistan had extended its hospitality in the form of relief and shelter were the single largest group of refugees in the world. The presence of so many refugees imposed a heavy burden on Pakistan, which was grateful for the valuable assistance received from the international community for the refugees' upkeep. Over 50 per cent of the relief assistance came from Pakistan itself, however, and the economic and financial burden had increased sharply in recent years and, especially, following the recent influx of several thousand Afghan nationals from Kuwait.

17. Voluntary repatriation was the most desirable durable solution to the refugee problem and Pakistan would like to see the Afghan refugees return home of their own accord. However, conditions conducive to their return needed to be created. Although the signing of the Geneva Accords had been an important step towards a comprehensive political settlement in Afghanistan, they addressed only the external aspects of the Afghan problem; the internal conflict continued unabated. The only possibility for real peace in Afghanistan was the establishment of a broad-based government, which alone could create the conditions of peace and normalcy necessary for voluntary repatriation. Pakistan was co-operating fully with the United Nations Secretary-General in his efforts to promote a political settlement acceptable to the majority of the Afghan people, and had extended full support to the United Nations-sponsored pilot project for the voluntary repatriation of Afghan refugees, which had met with modest but in no way insignificant success.

18. In the mean time, it was imperative that humanitarian assistance for the maintenance of the refugees continue undiminished. Her delegation was deeply concerned at the current financial crisis facing UNHCR, which had resulted in a substantial scaling-down of the assistance being provided to the Afghan refugees. For instance, since wheat donations had been inadequate to meet the needs of the refugee population by 31 December 1989, Pakistan had had to release 570,000 tons of wheat from its own stocks to meet the shortfall and had had to import wheat for domestic consumption at a cost of $US 125 million. The shortfall for 1990 was 260,000 tons. Pakistan also had to spend almost $US 27.9 million on the inland transportation of commodities and on compensation for land acquired for refugee camps, yet cash assistance from UNHCR dropped from $US 46.1 million in 1987 to $30.9 million in 1990. UNHCR had also slashed its contribution of kerosene, leaving the refugees no option but to use Pakistan's already depleted forest resources for fuel, in some cases causing permanent ecological damage and also damage to vital infrastructures which would take colossal human efforts and financial resources to restore. Her delegation felt that the level of assistance should be commensurate with the number of refugees in Pakistan.

19. Pakistan shared the concern expressed by the Officer-in-Charge of UNHCR about the need for the Office to have an adequate, stable and reliable source of income if it was to meet its obligations to refugees. It joined in the appeal for new contributions for 1991 and thanked donor countries for their generous support.

20. Ms. BOUMAIZA (Algeria) said that the Gulf crisis and the civil war in Liberia were reminders that international conflicts and domestic political crises remained the primary source of massive population exoduses. At the same time, they confirmed that only when peoples were able to exercise fully their right to self-determination and to live in peace and security in their own country could refugees return home voluntarily, as over 43,000 Namibians had just done. Recent developments in Western Sahara gave grounds to hope that the referendum on self-determination which the United Nations was to organize in co-operation with OAU would enable UNHCR to embark on the voluntary repatriation of the Saharan refugees. Algeria was still host to 165,000 Saharan refugees, 80,000 of whom were receiving assistance from UNHCR.

21. Algeria was deeply appreciative of UNHCR's efforts to fulfil its mandate. The difficulties it faced could be measured by the fact that the total number of refugees had increased from 7 million in 1980 to 15 million in 1990, while its financial resources remained the same. For the first time in its history, UNHCR was facing a serious financial crisis, as reflected in a budget deficit of $US 38 million for 1989. What was even more serious was that, in order to absorb the deficit, UNHCR had been forced to limit its commitments for the first half of 1990. Programme cutbacks and financial constraints were particularly regrettable in the case of UNHCR, for they had an immediate impact on the daily lives of millions of people. The international community, in particular the most prosperious countries, must show renewed solidarity by providing UNHCR with the financial resources it needed to fulfil its mandate effectively.

22. As a member of the Executive Committee, her country was in no doubt as to the magnitude of the task assigned to the Working Group on Solutions and Protection. At the forty-first session of the Executive Committee, Algeria had emphasized the undeniable link between refugee protection and human rights, drawing attention to the reluctance of some countries to grant the right of asylum when the primary objective of UNHCR was to guarantee refugees the exercise of their human rights and to give them protection and assistance until the reasons for their exile were removed. Denial of the right of asylum and massive refoulement and expulsion were a negation of those principles. Her delegation suggested that the question of refugees from the standpoint of human rights should be given proper consideration at the conference on human rights to be held in 1993 and that thought should be given to including it on the agenda of the preparatory committee for the conference.

23. Her delegation reiterated its support for UNHCR and hoped that the recent departure of the High Commissioner would not have too adverse an effect on UNHCR, whose activities he had managed to revitalize during his short time in office.

24. Mr. PIBULSONGGRAM (Thailand) said that Thailand had for several decades been a willing host to many tens of thousands of refugees. Progress towards peace and political developments all over the world were making it necessary for UNHCR to persist in its efforts to return millions of people to their countries of origin. At the same time, the crisis in the Middle East had caused hundreds of thousands of people to flee across international boundaries, while the number of refugees in Africa had also increased dramatically.

(Mr. Pibulsonggram, Thailand)

25. His delegation had studied the report of the Secretary-General on the International Conference on Indo-Chinese Refugees (A/45/449), which gave a clear picture of what had been achieved and what remained to be done after a year of implementation of the Comprehensive Plan of Action. Considerable progress had been made in the resettlement of Vietnamese refugees registered before the cut-off date. The Orderly Departure Programme and other migratory programmes for the Vietnamese were also progressing, and his delegation hoped that such programmes would soon become the sole mode of departure for Vietnamese wishing to leave their country.

26. Progress was also being made in voluntary repatriation to Viet Nam. Although the number of voluntary returnees was still relatively small compared to the total Vietnamese camp population in Thailand, his Government expected that more refugees would return voluntarily as a result of the expanded counselling programme provided for in the Comprehensive Plan of Action (CPA). Despite the progress made, however, the repatriation programme had certain shortcomings. The CPA's provision for the mandatory repatriation of non-refugees had been ignored, and countries of temporary refuge were therefore uncertain about the end result of the status determination procedures provided for in the Plan. Persons designated as non-refugees and therefore not acceptable for third country resettlement were in fact being given the option of remaining in countries of temporary refuge, including Thailand, because it was being insisted in some quarters that repatriation must be voluntary. The deterrent effect of status determination was thus being undermined, and countries of temporary refuge could not bear the burden of relief assistance for non-refugees indefinitely. Thailand welcomed the new trend in favour of the return of non-refugees who were not opposed to returning, but a definitive and transparent post-status-determination procedure was urgently required. Over 1,000 Vietnamese had so far been screened out as non-refugees, and it was calculated that around 80 per cent of new arrivals would also be screened out. Their only option was to return to Viet Nam and they would be returned with all due respect for their safety and dignity. The Secretary-General's recent decision to appoint the High Commissioner for Refugees as his Special Representative to promote and co-ordinate the phased and orderly return of non-refugees was a positive development.

27. Substantial progress had been made with regard to the repatriation of Lao refugees, some 2,500 of whom had returned home since the initial agreement between Thailand and the Lao People's Democratic Republic. Returning refugees had received reintegration assistance from UNHCR. The latest trilateral meeting between Thailand, the Lao People's Democratic Republic and UNHCR had resulted in an amicable agreement to settle the refugee problem in a comprehensive manner within a definite time-frame in line with the Comprehensive Plan of Action. To encourage further repatriation, his Government had decided to reduce the number of Lao refugee camps to two, both of them close to the Lao border. All Lao asylum-seekers would be gradually transferred to one of the camps, while the remaining camp would become a repatriation processing centre. Progress in solving the Lao refugee problem had been made possible by the sincerety and determination of all the parties concerned and his Government thanked the Lao People's Democratic Republic and UNHCR for their co-operation.

(Mr. Pibulsonggram, Thailand)

28. There was now a glimmer of hope that the problem of Cambodian displaced persons in Thailand would also be solved, a breakthrough having been achieved with the creation of the Cambodian Supreme National Council. Many Cambodians at the Thai-Cambodian border were looking forward to returning home. Indeed, many had returned spontaneously to the so-called "liberated zone" inside Cambodia. In that connection, his Government did not condone any forced movement by any faction within Thai territory and would continue to render all necessary assistance to displaced Cambodians until they eventually returned. It had in fact been working closely with UNHCR and other United Nations agencies on the details of Cambodian repatriation, rehabilitation and reconstruction. The lives and well-being of over 250,000 Thai villagers had also been affected by the decade of conflict in Cambodia and they too deserved the sympathy and continued assistance of the international community.

29. Thailand was justifiably proud of its record of providing humanitarian assistance to people from Cambodia, the Lao People's Democratic Republic and Viet Nam, and also from Myanmar. At present, displaced persons from Myanmar were being given temporary shelter in Thailand on humanitarian grounds. His Government urged that humanitarian assistance for them should be provided only in close co-ordination with the Thai agencies concerned. While in Thailand, asylum-seekers and displaced persons of any nationality were obliged to observe Thai laws. With that proviso, the United Nations and the international community as a whole could count on Thailand to do its part to ease the plight of those in temporary need of help now and in the days ahead.

30. Mr. MALANBUGI (United Republic of Tanzania) said that despite improvements in the international climate, situations causing refugee flows continued unabated in various parts of the world. In Africa, a number of countries had experienced continued or new influxes. The South African apartheid régime continued to be the major cause of refugee-producing situations in southern Africa. The so-called black-on-black violence in the townships, which was orchestrated by the racist régime, produced a steady stream of refugees. The apartheid régime had also continued to arm, train and finance terrorist movements in Angola and Mozambique, whose reign of terror had resulted in floods of refugees into Malawi, Botswana and Zambia. The solution to the refugee problem in southern Africa therefore lay in the total dismantling of apartheid. He regretted that efforts by the Angolan Government to find a peaceful solution to the conflict with UNITA had been frustrated by UNITA and its principal backers and hoped that the moratorium on United States military assistance to UNITA would permit a settlement of the conflict, so that Angola could turn to the task of resettling thousands of refugees and displaced persons.

31. Refugees fleeing from civil strife in the Horn of Africa had to face the additional problem of famine. Efforts to settle the conflict by peaceful means had broken down and his delegation urged anti-Government forces to return to the negotiating table. The situation in Liberia was also cause for concern, and was creating an influx of refugees into surrounding countries. The burden of hosting refugees fell all too frequently on the smaller and poorer countries, which were

(Mr. Malanbugi, Tanzania)

already overwhelmed with difficulties, and the international community must come to their assistance.

32. Some situations which created refugee flows could be averted. Governments needed to take a hard look at their policies and to determine whether they were actually conducive to averting refugee flows and also to the voluntary return of refugees. Effective solutions would necessarily include the dismantling of apartheid in South Africa and the implementation of policies which discouraged religious, tribal or political intolerance.

33. His Government was saddened by attempts by some countries to deny asylum to individuals seeking to migrate for economic and related reasons. That category of immigrants had been created to some extent by the inequities of the international economic system.

34. Tanzania had granted citizenship to over 200,000 refugees and maintained an open-door policy. It would continue to lend its full support to the work of UNHCR and thanked Governments and organizations which had provided assistance under the Oslo Plan of Action.

35. Mr. PERERA (Sri Lanka) said that his Government was currently attempting to repatriate approximately 100,000 Sri Lankan nationals, most of them women, who had fled Kuwait and found temporary asylum in neighbouring countries. Some 60,000 nationals had so far returned to Sri Lanka. In that connection, he expressed his Government's appreciation to the many United Nations organizations, including UNHCR, that were involved in the rescue operation.

36. On their arrival in Sri Lanka, returnees had been provided with special serivces, including medical care, counselling and transportation to their homes. His Government was also setting up training and vocational counselling programmes to help returnees find alternative employment in Sri Lanka.

37. Despite encouraging trends in international relations, the global refugee situation remained uncertain. It was clear that UNHCR must have sufficient resources to be able to function effectively, particularly in emergency situations. While his delegation welcomed the streamlining measures adopted by UNHCR, which had led to savings in administrative costs, it hoped that the 1991 pledging conference would achieve its target. In the event of a shortfall, UNHCR might consider informal sources of funding and other innovative approaches, following the lead of other United Nations agencies. In addition, the 1991 sessions commemorating the fortieth anniversaries of both UNHCR and the Convention relating to the Status of Refugees could be used to focus attention on the need to strengthen the role of UNHCR.

38. His Government expressed its appreciation for the work done by UNHCR in Sri Lanka. The Office had supervised the volunary return from India and the resettlement of some 40,000 Sri Lankan Tamils. Although a political settlement had

(Mr. Perera, Sri Lanka)

seemed possible in early 1990, the main Tamil militant group had returned to armed conflict by mid-year, causing the displacement of some 750,000 people of all races. The Government was currently providing food, medical care, shelter and education to those displaced persons at great expense, and it appreciated the assistance that had been extended by the international community. In that connection, it might be appropriate for UNHCR to consider broadening its mandate to include assisting internally displaced persons at the request of the Government concerned.

39. Mr. KASOULIDES (Cyprus) said that while there had been some signs of improvement, the global refugee situation remained serious. Recent events had demonstrated that the only viable solution was to create the conditions for voluntary repatriation in safety and dignity. The international community must therefore continue its efforts to negotiate solutions to conflicts and improve respect for human rights.

40. The budget crisis facing UNHCR was a matter of grave concern. Further resources were needed to enable the Office to preserve the climate of confidence and efficency created by the former High Commissioner. His delegation supported the relevant conclusions and decisions adopted by the Executive Committee at its forty-first session, the Oslo Plan of Action, the Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons and the Comprehensive Plan of Action for Indo-Chinese Refugees.

41. The creation of an early warning system would also contribute to long-term strategies for solving the refugee problem. Likewise, continued co-operation with other development agencies would result in a more efficient division of labour and would strengthen the link between refugee assistance and development aid.

42. Despite some positive developments, the risk of local and regional conflicts remained high and human suffering was widespread. The international community must examine more thoroughly the root causes of refugee problems and concentrate on preventive rather than corrective action. More attention should also be paid to the situation of internally displaced persons. His own country had been coping with such a situation since 1974, when more than a third of its population had been displaced following the invasion by Turkey. The Secretary-General had adopted a special UNHCR mission to Cyprus to co-ordinate current relief efforts. His Government hoped that a just and lasting solution to the Cyprus problem would be found through the misssion of good offices of the Secretary-General.

43. Mr. ABIMANA (Rwanda) said that his delegation remained convinced that a global strategy and innovative responses had to be developed in order to find durable solutions to the refugee problem. The international community therefore needed to address the root causes of migratory movements and refugee flows by adopting preventive political and economic measures.

44. His delegation deplored the continuing deterioration of UNHCR's financial situation and endorsed all the relevant corrective measures which had been proposed.

(Mr. Abimana, Rwanda)

45. His delegation was gratified that the refugee problem in Rwanda had been referred to in several statements, and expressed appreciation for UNHCR's tireless efforts to solve that problem. His Government was determined to find a lasting, comprehensive solution to the problem, which had its roots in the exodus of certain population groups following the 1959 Revolution and Rwanda's subsequent independence. Since then the Government had made numerous attempts to deal with the problem, including the creation of a Ministry for Refugees and agencies for displaced persons, and the settlement of refugees in certain areas of the country. It had repeatedly invited the refugees to return to Rwanda and participate in its new democracy. Those who had returned had been reintegrated into the population. In 1973, the Government had condemned unequivocally any separatist, ethnic or regional movement and had pledged to find a durable solution to the refugee problem.

46. Neighbouring countries and international organizations had also tried to find a lasting solution, although his Government acknowledged that it held primary responsibility for solving the problem. To that end, it had created a special commission on Rwandese refugees to work with countries of asylum, subregional and regional organizations and UNHCR to find appropriate solutions to the refugee problem. Rwanda and Uganda had formed a joint ministerial committee to study the issue.

47. Far from responding to appeals to return, some of the refugees had, ever since Rwanda's independence, been carrying out military campaigns aimed at overthrowing the régime and restoring the pre-1959 monarchy. The latest aggression had occurred in October 1990, just when long and arduous negotiations between Rwanda and Uganda had culminated in an agreement on identifying Rwandese refugees in Uganda with a view to their voluntary repatriation to Rwanda or their naturalization in Uganda. The aggression had instead caused a new flow of refugees and the displaced population was being housed in makeshift shelters and was in urgent need of food, clothing and medical supplies. Financial assistance was also needed to help them return home and rebuild their lives.

48. The latest events did not in any way alter his Government's commitment to finding a lasting, peaceful solution to the problem of Rwandese refugees. In that connection, it was placing all its hopes in the forthcoming regional conference on the question.

49. Mr. VIEIRA DE MELLO (Office of the United Nations High Commissioner for Refugees) said that despite the recognition of its important role, UNHCR was still plagued by financial problems which prevented it from carrying out its mandate properly. There was a striking contradiction between what was expected of the Office and the crippling shortage of resources. UNHCR would continue to rationalize its programmes, priorities and administration wherever feasible. In the final analysis, however, it was for Governments to decide how much financial support they wanted to make available for 15 million needy human beings. He hoped that Governments would remedy that unfortunate state of affairs and restore UNHCR's financial health.

(Mr. Vieira de Mello)

50. The Working Group on Solutions and Protection would, he hoped, be reviewing questions related to the causes and dimensions of international migration and its interrelationship with refugee movements, as well as the role which UNHCR could be expected to play in promoting multilateral, humane management of migratory movements. In that connection, the Office had taken note of the supportive comments made by delegations, particularly concerning the Comprehensive Plan of Action for Indo-Chinese refugees and the CIREFCA process in Central America. More imaginative efforts were needed in other parts of the world to address transcontinental and intracontinental population movements. In that area too, UNCHR had demonstrated its ability to play an active role in the search for co-ordinated multilateral responses, which removed the temptation to adopt unilateral restrictive measures which were often neither humane nor effective. As the barriers to internationalism collapsed, multilateral humanitarianism must enjoy the full political, economic and social backing of States. The dividends were bound to be mutual.

51. Mr. CALAFETEANU (Romania), speaking in exercise of the right of reply, said that he strongly disagreed with the recent statement by the representative of Hungary. Before the December 1989 revolution, many Romanian citizens had sought refuge outside the country in order to escape a communist dictatorial régime. After the revolution, the new Romanian authorities had embarked on a series of measures to establish a democratic society based on freedom, dignity and respect for human rights. Among its first political acts, his Government had guaranteed all Romanian citizens freedom of movement, including freedom to leave the country. As a result, since the beginning of 1990, Romanian citizens had made more than 10 million tourist trips abroad. Approximately 25,000 such citizens had not returned to Romania.

52. His Government viewed voluntary repatriation as the most desirable of all durable solutions and respected Romania's obligations as a country of origin. All Romanian citizens who had left the country, either before or after the revolution, could be repatriated at their request. The first positive results of that policy could already be observed: the number of people leaving the country was diminishing and others had returned.

53. Most Romanian citizens who had left the country after the events of December 1989 had done so for economic reasons and were therefore economic migrants, not refugees. In that connection, he agreed fully with the statement made at the current meeting by the representative of Austria, who had drawn a clear distinction between refugees from persecution and migrants. The representative of Austria had also said that abuse by migrants of the procedure for determining refugee status could undermine the very institution of asylum, and he had referred to manifestly unfounded requests for asylum. That was true of many of the people, Romanians included, who were seeking asylum not only in Austria but also in Hungary.

54. Mr. BURCUOGLU (Turkey), speaking in exercise of the right of reply, said that the allegations made by the representative of Cyprus did not in any way help efforts to find a solution to the question of Cyprus. With regard to the question of displaced persons, the original victims had been Turkish Cypriots who, following attacks and massacres by Greek Cypriots, had been forced to flee their homes in 1963 and had lived in enclaves, cut off from the rest of the world, until 1974. The Greek Cypriots continued to ignore the agreement on the voluntary exchange of populations concluded on 2 August 1975 under United Nations auspices and annexed to in document S/11789.

55. The allegations made by the representative of Cyprus reflected the mentality of the Greek Cypriots who, instead of seeking to create an atmosphere of trust to facilitate a solution, missed no opportunity to attack the Turkish Cypriots and Turkey itself. That mentality, which was based on the desire to subjugate Turkish Cypriots, had led only to deadlock and further suffering. The Secretary-General's mission of good offices was continuing and all parties concerned, particularly the Greek Cypriots, were required by Security Council resolution 649 (1990) to refrain from any action that could aggravate the situation.

56. Mr. KASOULIDES (Cyprus), speaking in exercise of the right of reply, said that it was highly ironic to hear the representative of Turkey accuse Cyprus of violating international law. With regard to the situation of Turkish Cypriots prior to 1974, a United Nations report published in 1965 had stated that Turkish Cypriot leaders had taken a rigid stand against any measures which might involve members of the two communities living and working together or which might place Turkish Cypriots in situations where they would have to acknowledge the authority of Government employees. Since Turkish Cypriot leaders were committed politically to the physical and geographical separation of the two communities, they were not likely to encourage activities by Turkish Cypriots which might be interpreted as an alternative policy. The result had been a seemingly deliberate policy of self-segregation by the Turkish Cypriots.

57. He denied the existence of any agreement on a voluntary exchange of populations in Cyprus. Furthermore, the representative of Turkey had neglected to mention that the United Nations resolution to which he had referred had been the result of a special request by the Secretary-General to prevent Turkey from making further demands and statements that impeded his efforts to find a just and viable solution. Besides, that resolution referred to earlier resolutions calling for the immediate withdrawal of all foreign troops from Cyprus and the return of the refugees to their homes.

The meeting rose at 5.40 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
48th meeting
held on
Tuesday, 20 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 48th MEETING

Chairman: Mr. SOMAVIA (Chile)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/45/3, 179, 210, 348, 404, 444, 445, 446, 447, 448, 508, 542, 564, 578, 607, 630, 649 and Corr.1 and 649/Add.1, 651, 664, 697, 698, 174, 203, 207, 216, 227, 272, 280, 303, 329, 338, 381, 410, 667, 689, 690, 691, 692, 693; A/C.3/45/1)

1. The CHAIRMAN invited the Committee to begin consideration of agenda item 12 and drew its attention to the relevant documentation.

2. Mr. HOUSHMAND (Centre for Human Rights) said that under the Charter, the Economic and Social Council had specific responsibility for the promotion and protection of human rights and fundamental freedoms and reviewed almost all aspects of the United Nations human rights programme. The setting of international standards for the protection of human rights had been an area of significant achievement, with the adoption of well over 50 international instruments. In 1989, in a truly historic decision, the General Assembly had adopted the Convention on the Rights of the Child. At the current session, the Assembly had before it the draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

3. For many years, the United Nations had been acutely aware of the very vulnerable situation of migrant workers and their families. Having to work far from home, in a different culture, migrant workers faced considerable difficulties in preserving their dignity and cultural and spiritual values and were sometimes subjected to discrimination and exploitation. Thanks to the strong commitment and painstaking efforts of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the General Assembly now had before it a most significant document for providing protection to millions of the most vulnerable members of society. Delegations from every region of the world and specialists in labour, emigration, immigration and international law had participated in the drafting of the Convention.

4. The draft Convention was wide-ranging and detailed. It contained basic anti-discrimination provisions and laid down in detail the fundamental human rights of all migrant workers and their families, including freedom of movement, freedom from arbitrary arrest and guarantees relating to assistance from the authorities of the State of nationality. The draft Convention also provided for equality with nationals in matters of remuneration, conditions of work, terms of employment and the social security rights. Specific rights were recognized for the children of migrant workers and there were provisions for protecting the cultural identity of migrant workers. Problems specific to migrant workers, such as access to education, protection of the family, transfer of earnings and participation in the political life of their country of origin were also taken into account.

(Mr. Houshmand)

5. The draft Convention provided for the establishment of a committee to monitor its implementation and for optional procedures to deal with complaints from individuals and States. In that connection, he referred to the recommendations put forward at the most recent meeting of the chairpersons of human rights treaty bodies concerning the financing of those bodies from the United Nations regular budget and their need for adequate secretariat servicing. The combination of diminishing resources and rapidly expanding demands on available resources had left most of the treaty bodies without the appropriate level of secretariat servicing. In order for the Secretariat to be able to respond to the needs of the proposed Committee on the Protection of the Rights of All Migrant Workers and Their Families, the General Assembly would have to take the necessary decision placing the required resources at its disposal.

6. The protection of migrant workers and members of their families was a concern common to all United Nations human rights activities, particularly those under the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. Under that Programme, the Secretary-General would be carrying out a study on the effects of racial discrimination in the field of education, training and employment as it affected the children of minorities, in particular those of migrant workers. A study would also be made of the extent to which children of migrant workers were able to receive an education in their mother tongue. The adoption of the draft Convention would give new impetus to United Nations efforts to enhance the situation of migrant workers and their families and protect them from discrimination.

7. At recent sessions, the General Assembly had expressed particular interest in regional arrangements for the promotion of human rights. The Centre for Human Rights had continued its co-operation with the Economic and Social Commission for Asia and the Pacific and had provided the ESCAP library with an initial stock of all its human rights information and reference materials. The library would also receive all subsequent information and reference materials issued by the Centre. In co-operation with the Government of the Philippines, the Centre had organized the Asian-Pacific Workshop for Administrators of Justice on international human rights issues in May 1990. The Workshop had brought together senior government officials and experts in the field of human rights and representatives of Governments from the region and non-governmental organizations.

8. The Centre for Human Rights had strengthened its contacts and co-operation in the field of human rights with regional bodies and commissions through the exchange of information, advisory services and technical assistance in the field of human rights. It had worked closely with such regional human rights bodies as the newly established African Commission on Human and Peoples' Rights, the Council of Europe and the Inter-American Commission on Human Rights. In 1989, the Centre had assisted the African Commission in organizing a training course in co-operation with the Government of the Gambia, and had provided technical assistance for the establishment of the African Centre for Democracy and Human Rights Studies in that country.

(Mr. Houshmand)

9. Co-operation between European and inter-American regional bodies and the Centre for Human Rights had continued through the organization of training courses in the field of human rights. An Eastern European training course on the administration of justice and human rights had been held in Moscow in November 1988, in co-operation with the United Nations Association of the USSR and the Soviet Government. A national training course on international norms and standards in the field of human rights had also been held in Moscow in 1989.

10. In Latin America, co-operation between the Centre and the Inter-American Institute of Human Rights had continued in 1989, particularly through the Andean Workshop on Human Rights organized under the auspices of the Government of Ecuador. Participants in the Workshop, which had taken place in Quito in May 1989, had included personnel from government ministries and the judiciary of six countries. A training course on the implementation of human rights instruments and the administration of justice, organized by the Centre in co-operation with the Government of Argentina, had been held at Buenos Aires in October 1989. Participants from 11 countries had taken part in the course.

11. At the European regional level, United Nations international human rights standards had contributed greatly to the spread of democracy by providing objective yardsticks by which to judge the practices of Governments. Efforts to assist the democratic process must continue in order to promote the establishment of effective democratic institutions. While democracy was a necessary condition for the recognition of basic human rights, it was not in itself sufficient to ensure the actual enjoyment of those rights. Furthermore, political democracy could not survive long without social justice and effective guarantees for a decent minimum standard of living. That was why the United Nations was focusing on national institution-building, particularly in Eastern and Central Europe, by providing expert advice on the drafting of legislation, training officials in the administration of justice, and organizing workshops on the implementation of international human rights instruments. The Secretariat of the Council of Europe had assisted in those activities.

12. The Centre welcomed the truly historic progress in human rights achieved within the framework of the Conference on Security and Co-operation in Europe. By acting in accordance with international human rights standards and calling for the ratification of the International Covenants, the Convention on the Rights of the Child and the Convention against Torture, participating States had placed their commitments within the framework of the United Nations human rights system. In that connection, he stressed the need to ensure that activities to promote human rights were mutually reinforcing, that high standards were maintained and that the division of responsibilities promoted maximum use of limited resources.

13. The Committee had before it the reports of the special representatives or rapporteurs of the Commission on Human Rights on the human rights situation in the Islamic Republic of Iran (A/45/697), Afghanistan (A/45/664) and El Salvador (A/45/630). Those reports were based on meetings held in September and October 1990 with government authorities and non-governmental sources, which had

(Mr. Houshmand)

enabled the representatives and rapporteurs to obtain the latest information on the human rights situation in the countries concerned. To properly evaluate and appreciate the complexity and long-term evolution of the human rights situation in any given country, the relevant report had to be read in conjunction with previous reports.

14. The Ad Hoc Working Group of Experts on southern Africa had presented to the most recent session of the Commission on Human Rights an interim report covering the year 1989. Since then, the Working Group had carried out an extensive field mission to the front-line States and would be reporting to the Third Committee on its findings. In that connection, it was his sad duty to inform the Committee that Mr. Branimir Jankovic, a member of and valuable contributor to the Working Group since its inception, had passed away in September 1990.

15. With respect to the human rights situation in the occupied Arab territories, the Special Political Committee was entrusted with considering the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

16. In addition to monitoring human rights situations through an expert body or special rapporteur or representative, the Commission on Human Rights had set up mechanisms by which allegations of particularly serious human rights violations were publicly investigated. Within that framework, allegations concerning some 60 countries were being examined. In that connection, he noted that the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteurs on summary or arbitrary executions and torture had, in the first nine months of 1990, processed some 800 urgent individual cases.

17. The rapporteur system was evolving and efforts were being made to adapt it to the special needs of each country. Special rapporteurs and representatives were finding Governments to be increasingly co-operative. On the whole, the system had become a well-established method for encouraging the application of international human rights standards.

18. The Committee also had before it document A/45/607 containing the Secretary-General's report on human rights and mass exoduses. That report had been prepared in accordance with General Assembly resolution 44/164, which had, inter alia, requested the Secretary-General to report on the strengthened role that he was playing with regard to early-warning activities, especially in the humanitarian area, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees. The report also contained information on the work of the Office for Research and the Collection of Information, which had been appointed the lead agency for early warning activities. The Joint Inspection Unit had also carried out a study on the co-ordination of early warning activities with regard to potential refugee flows. Document A/45/649/Add.1 contained the Secretary-General's comments on that study.

(Mr. Houshmand)

19. Public outrage following the Second World War had given rise to international co-operation in designing and adopting measures to prevent the crime of genocide. In December 1946, the General Assembly had affirmed that genocide was a crime under international law. In that same month, it had adopted the Convention on the Prevention and Punishment of the Crime of Genocide. The Convention had entered into force on 12 January 1951 and thus far 103 States had ratified or acceded to it. At its forty-fourth session, the General Assembly had reiterated the importance of the implementation of the provisions of the Convention by all States and had urged those States which had not yet done so to ratify or accede to the Convention without further delay.

20. Over the years, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had repeatedly given priority to combating the crime of genocide by appointing special rapporteurs to undertake relevant studies. At its forty-sixth session, the Commission on Human Rights had reiterated its condemnation of the crime of genocide and had affirmed the necessity of international co-operation to liberate mankind from that odious crime.

21. Turning to the United Nations Voluntary Fund for Indigenous Populations he said that the Fund had the important task of assisting representatives of indigenous communities and organizations in attending sessions of the Working Group on Indigenous Populations, which was drafting a declaration on the rights of indigenous populations and reviewing developments pertaining to their human rights and fundamental freedoms. He also drew attention in that connection to Economic and Social Council decision 1990/248, Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 1989/36 and 1990/29, and the working paper in document E/CN.4/Sub.2/1990/41.

22. The Secretary-General had sought the views of Governments, specialized agencies, non-governmental organizations and United Nations human rights bodies on the desirability of convening a world conference on human rights. With two exceptions, the replies supported the idea and reflected the view that such a conference, if well-prepared and with high-level participation, could make an important contribution to the international promotion and protection of human rights. The replies also expressed the view that such a conference should review progress in human rights, evaluate the effectiveness of methods for protecting them and consider future action, and stressed the need for thorough preparation of the conference, through broad consultations and the involvement of human rights expert bodies, the specialized agencies and other organizations dealing with human rights, national and regional human rights institutions, the academic community and non-governmental organizations in consultative status.

23. The human rights implications of AIDS had also engaged the attention of the United Nations. The International Consultation on HIV/AIDS and Human Rights, held at Geneva in 1989, had adopted a list of issues relating to the question, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had noted with appreciation a preliminary report submitted to it at its latest session by its Special Rapporteur on AIDS and human rights, and had requested him to present a progress report to the Sub-Commission at its session in 1991.

(Mr. Houshmand)

24. In connection with the issue of human rights and the administration of justice, he drew attention to the results of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to the ongoing work on that subject by the Commission on Human Rights and the Sub-Commission. At its most recent session, the Sub-Commission had dealt with the application of international standards in respect of the human rights of detained juveniles, administrative detention without charge or trial and the independence and impartiality of the legal and judicial system, and had adopted a draft declaration on the protection of all persons from enforced or involuntary disappearance.

25. Prince SADRUDDIN AGA KHAN (Co-ordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan) said that despite the continuing instability of the situation in Afghanistan, the scope of United Nations humanitarian and economic assistance activities had greatly expanded in the past year. That was due in part to increased understanding on the part of all Afghans of the neutral character of the assistance activities.

26. In recent days, the General Assembly had adopted by consensus a resolution calling upon Member States to provide the United Nations Office of the Co-ordinator for Afghanistan (UNOCA) with adequate resources to fulfil its mandate. Moreover, the Advisory Committee on Administrative and Budgetary Questions had recently endorsed the Secretary-General's proposal that UNOCA should continue through 1991.

27. The 473 projects and sub-projects currently funded and implemented by the United Nations for the benefit of the Afghan population included a pilot project for the repatriation of refugees. While the numbers taking advantage of that scheme were lower than expected, more than 200,000 refugees had returned to Afghanistan in 1990. In any event, discouragement at the relatively low number of returnees was no reason for the international community to reduce its support for United Nations activities in Afghanistan.

28. From the outset, the United Nations had been pursuing a two-pronged strategy: promoting a "humanitarian consensus" at the local level to facilitate project implementation, and ensuring a "humanitarian encirclement" of the country to strengthen delivery capacity. The work of the Operation Salam offices in neighbouring countries, the inter-agency missions led by UNOCA to various parts of Afghanistan and the establishment of a durable United Nations presence in several regions of the country were vital to that strategy.

29. The fact that contributions in kind represented nearly 70 per cent of overall assistance to UNOCA, combined with the tendency of some major donors to link the release of funds to progress in voluntary repatriation activities, put severe constraints on UNOCA's capacity for action. As a result, much of the essential work of rehabilitation, particularly in the agricultural area, was at a standstill. The result was a vicious circle: donor aid was tied to a massive return of refugees, but there could be no large-scale repatriation until some of the refugees' basic requirements for a secure and sustainable existence in Afghanistan had been met. The withholding of aid also unfairly penalized Afghans who had remained in their country and suffered unimaginable hardships.

(Prince Sadruddin Aga Khan)

30. Despite its funding problems, the United Nations was co-ordinating a vast number of activities in Afghanistan. One of the most important was the demining programme, which involved training special teams in mine clearance and training villagers and potential returnees in mine awareness. In the agricultural sector, UNOCA had provided fertilizer, equipment and seeds, reintroduced veterinary services and instituted pest-control programmes. With the help of the World Food Programme and using transportation supplied by the Soviet Union, UNOCA had provided emergency food aid to the most vulnerable groups in Afghanistan. UNOCA was also supporting projects by the United Nations Fund for Drug Abuse Control aimed at reducing drug production and stimulating awareness of the dangers of drug abuse.

31. He expressed appreciation for the invaluable work being done by United Nations agencies and NGOs, which had an impact not only on major economic sectors but also on the social and cultural spheres. The response to those efforts from all Afghan groups and factions had been very favourable, permitting humanitarian operations between Government- and opposition-held areas.

32. In response to the unique situation in Afghanistan, UNOCA had played a role that went well beyond mere co-ordination. It had carried out activities that were outside the mandate of existing United Nations bodies, such as negotiating with field commanders and local autonomous groups. It had had to play an active role in initiating programmes and encouraging partners to participate. At the same time, it had been constrained to some extent by its mandate and the rigid regulations under which United Nations mechanisms normally operated. In that connection, the decision taken by the Secretary-General, and endorsed by donors, to establish a central Emergency Trust Fund had strengthened the capacity of UNOCA to act in what continued to be a volatile situation.

33. He hoped that UNOCA would be able to hand over its responsibilities to other agencies and programmes at some point in 1991. That would hinge on ability of those agencies to expand their activities throughout the country and restore their normal programmes to benefit all Afghans as quickly as possible. If outside Powers involved themselves more in Afghanistan's economic future and less in its politics, the prospects for both would be far better. Abandoning Afghans to their fate would only cause more instability, while providing the necessary resources would help them to build a future in peace and dignity.

34. Mr. ERMACORA (Special Rapporteur on the situation of human rights in Afghanistan), introducing his latest report contained in document A/45/664, said that his frequent but arduous visits to the Afghanistan region had been essential in order to acquire needed information and had been fruitful because of the co-operation of the Governments of Afghanistan and Pakistan and the assistance of non-governmental and international bodies. In September 1990, he had for the first time visited areas of Afghanistan not under the control of the Afghan Government but with the agreement of that Government. His principal impression had been that of a lack of genuine administration, but he had been told that the situation differed from region to region.

(Mr. Ermacora)

35. The objectives of United Nations resolutions on the human rights situation in Afghanistan had been achieved only to the extent that the withdrawal of Soviet troops had resulted in a reduction of human rights violations. There still remained, however, the human rights problem of more than 5 million Afghan refugees, whose gradual repatriation was just beginning as a result of efforts by the United Nations, the Government of Pakistan and non-governmental organizations and the expressed willingness of the Government of Afghanistan to accept returnees, a readiness backed by tangible financial and legal assistance. Unfortunately, the chaotic and even dangerous conditions in the country discouraged people from returning. Refugees had religious and political reservations about returning, despite the emotions that inclined them to do so. Some would not return because they had become integrated into other societies. It might be useful in that connection to honour the request of certain Afghan intellectuals to establish a United Nations university for Afghanistan in Peshawar, to offer qualified young refugees an opportunity to pursue university-level studies near the place where they currently resided.

36. Afghanistan had an orderly administration, despite the existence of armed opposition groups and terrorism. The result was some stability and hence an overall improvement in the human rights situation. Still, the pluralistic political system promised in the 1990 Constitution was not being established and the fate of some 3,000 so-called political prisoners was still unclear. He had been unable to check the accuracy of allegations that the actual number was even higher and that many prisoners were being detained in the Soviet Union. An agreement in principle to allow the International Committee of the Red Cross to visit the detention centres had not been honoured, and he had been unable to investigate the few reported cases of systematic ill-treatment or torture.

37. The principal human rights problem in Afghanistan arose from the continuing armed conflict, which had caused many deaths and injuries, particularly among civilians. The only figures he had been able to obtain were for the number of those killed and wounded as a result of terrorist acts. He had also been unable to visit the many prisoners of war held by the Afghan Government and the opposition, and their fate was unknown. Mines were also a major problem and many more mine detectors were needed for the demining teams.

38. Neither democracy nor respect for the rule of law, which were prerequisites for the exercise of the essential human right of self-determination, were present in Afghanistan. The Afghans were deeply divided and unable to express their wishes freely, despite constitutional guarantees of free and universal elections. Given the confused conditions prevailing in the country and the fact that many Afghans were living abroad, the holding of general and free elections seemed premature, but the selection of a broad-based Government should remain a priority. The country did not have a Government that represented all Afghans. Actual power was divided among the Head of State, local commanders and opposition forces and parties. Under those circumstances, the United Nations should provide advisory services to improve the enjoyment of human rights and to develop a model for general elections in the country.

(Mr. Ermacora)

39. Ultimately, the only solution must be a political one, the pre-conditions for which would be a cease-fire and the preparation of a framework for negotiations. Despite the Government's efforts to improve the human rights situation, the overall situation still required monitoring by the United Nations until such a political solution could be found.

40. Mr. GALINDO POHL (Special Representative on the situation of human rights in the Islamic Republic of Iran), introducing the interim report contained in document A/45/697, said that the mandate to investigate the human rights situation in Iran was one of the most controversial of its kind, probably because of the political polarization, clash of beliefs and competing national and international interests involved. Since the presentation of his final report to the Commission on Human Rights, he had received oral and written communications on alleged human rights violations and heard many opinions and value judgements on the human rights situation itself. Closer examination of the latter revealed a philosophy and a world view in which everything was seen in terms of good or evil and black or white. In addition, reports had been quoted out of context to alter their true meaning, and distorted interpretations of statements and even conversations had been disseminated. Facts seemed to matter little in such an environment. However, he felt duty-bound to strive for objectivity and impartiality and to pursue a policy of seeking to ensure respect for human rights on the basis of facts and principles. The aim was not to support or destabilize Governments but to uphold human rights and ensure that deficiencies were corrected and that the regulatory and administrative systems of each country monitored operated in accordance with international instruments.

41. In the time between the two reports, the Government of Iran had shown a greater spirit of co-operation towards him. It had invited him to visit the country for the second time in less than a year and had begun to provide detailed replies to his questions after seven years of international monitoring. Before the end of his second visit, he had received two documents concerning the application of the death penalty, which would be annexed to his final report. A special department in the Ministry of Foreign Affairs had been entrusted with co-ordinating information relating to the replies, and replies on many cases brought to the Government's attention in the past seven years could be expected shortly, enabling him to investigate specific cases chosen for their importance within the various categories of human rights violations.

42. During his second visit, senior government officials had expressed the view that international monitoring should end, and end quickly, since Iranian public opinion would not tolerate it indefinitely. The official line had been that there were systematic human rights violations in many other countries, including neighbours of Iran, yet those countries were not subject to international monitoring. It had also been argued that some occurrences which, from the international standpoint, might appear to be in violation of human rights were consistent with the principles of Islamic law. The Government could not renounce those principles although it was willing to try to co-ordinate them with international law. When his opinion concerning the duration of international

(Mr. Galindo Pohl)

monitoring had been sought, he had said that international monitoring was never intended to be permanent and always ceased when the situation in any given country had evolved to the point where there was enough stability to create a climate of confidence and security as to the possibilities which existed for obtaining moral and economic reparation and assigning responsibility for abuses of power.

43. The Government of Iran had presented oral and written lists of measures taken pursuant to his recommendations. It had, inter alia, authorized the International Committee of the Red Cross (ICRC) to visit prisons throughout the country. ICRC had submitted its proposals to the Government on 24 October 1990. The Government had also requested technical assistance from the Centre for Human Rights, embarked on technical studies with a view to adapting Islamic law to international law and instituted some secondary legislative reforms. During his second visit, he had been given official information about legal reforms which were about to be brought before Parliament, under which a fine or prison sentence would replace flogging in many cases. He had expressed the hope that the alternative to flogging would be applied in all cases and had indicated the desirability of applying an alternative penalty in the case of stoning and amputation, which constituted torture.

44. Some of the facts recounted in the interim report led him to conclude that in Iran, the conditions required to ensure due process of law were being violated; legal recognition of independent associations, including those defending human rights, was being deliberately delayed or denied; free expression in the mass media and in books was restricted; and literary and artistic creativity was discouraged. Violations of due process of law occurred when arrested persons were not immediately informed about the charges against them, when defence lawyers were not allowed to be present in revolutionary courts, even in cases which might result in the death penalty, and when accused persons made confessions on television, even though they were still under investigation. The application of the death penalty still exceeded the narrow limits authorized under the International Covenant on Civil and Political Rights, although there were fewer death sentences than there had been two years previously. The Government had acknowledged 113 executions in the time between his first and second visits, and Iranian radio had announced the hanging of four people shortly after his second visit and the execution of 41 people on 30 October.

45. The situation of the Baha'is remained uncertain, although in recent months there had been no reports of executions and only nine instances of arrest. There were, however, two areas in which they were uniformly discriminated against: they were denied access to universities and could not inherit property under the law. The interim report contained information about documents signed and sealed by government authorities which denied members of the Baha'i faith enjoyment of the same rights as other citizens.

46. In June 1990, 90 Iranian citizens known for their opposition to the régime had signed an open letter demanding compliance with certain articles of the Constitution and criticizing the Government's economic policies. A few days later, 23 of them had been arrested and accused of espionage. The interim report

(Mr. Galindo Pohl)

contained information on their case. He personally felt that the 23 detainees were prisoners of opinion and that their trial would be a test case for the application of the guarantees of due process of law.

47. The final section of the report summed up his findings of recent months, most of them obtained during his second visit through conversations with Iranian officials and with people he had interviewed. The observations in that section were consistent with the allegations and facts reported in earlier sections and concluded that international monitoring should continue with a view to ensuring full compliance with international human rights instruments.

48. Mr. MAUTNER-BARKHOF (Chief of the Special Procedures Unit, Centre for Human Rights), introducing the report on the situation of human rights in El Salvador (A/45/630), read out a statement prepared by the Special Representative in which he said that while he was certain that the President of El Salvador and the leaders of the other branches of the Government were anxious to improve the human rights situation in their country, and while the number of serious human rights violations had declined by comparison with the preceding year, violations unfortunately persisted and the situation was far from satisfactory. Politically motivated summary executions attributed to members of the State apparatus had continued, as had those attributed to the "death squads", which most sources believed to be linked to members of the armed forces or the security forces. Cases of politically motivated disappearances also continued to be recorded. In addition, there had been cases in which physical and psychological pressure had been applied to political detainees in extrajudicial interrogations, although in his opinion, such treatment was not widespread, nor was it government policy.

49. With regard to the functioning of the criminal justice system in El Salvador, in 1990, Salvadorian courts had handed down convictions for political crimes committed years earlier. Many legal proceedings instituted for serious human rights violations were being conducted in a very unsatisfactory manner, and in those relating to the murder of Father Ignacio Ellacuria and others in November 1989, the armed forces were not co-operating as they should and had destroyed important evidence. The grave doubt which hung over that case was whether members of the armed forces senior in rank to those currently on trial were involved. His own impression was that criminal justice in El Salvador was seriously flawed but that defects occurred far more often in the investigation and fact-finding stage than in the judicial activities of judges and courts. Judges had to pass sentence on the basis of facts established in investigations, however, and these were notoriously defective.

50. With regard to the armed conflict, the situation of the civilian population in heavy-combat areas was very difficult. Many civilians had been killed or injured although, for the most part, not indiscriminately or intentionally but through negligence and by chance. It was hard to say exactly how many such deaths had occurred, but there had been fewer than the preceding year.

(Mr. Mautner-Barkhof)

51. As for human rights violations attributed to FMLN guerrilla organizations, he noted that FMLN had been responsible for summary executions and kidnappings of members of the armed forces or alleged collaborators. Civilians had also died or been injured as a result of contact with mines, and FMLN was still attacking the country's electricity infrastructure, although since March it had refrained from sabotaging telephone lines and public transport.

52. He remained firmly convinced that the eradication of human rights violations in El Salvador depended on an end to the conflict between the armed forces and the FMLN guerrilla organizations. Experience had shown that where there was war, human rights violations would persist. He therefore reiterated his appeal to the parties concerned to show realism, imagination and above all generosity in the dialogue and negotiations currently under way, so that a just and lasting peace could be achieved as soon as possible. He believed that a reduction of violence in and out of combat would help to create conditions of mutual trust and yield a satisfactory outcome to the negotiations, which had already resulted in the signing of an Agreement on Human Rights at San José on 26 July 1990. That Agreement reflected both parties' concern to respect human rights and had resulted in a decrease in the number of human rights violations. In conclusion, he expressed his gratitude to the Government of El Salvador, FMLN and governmental and non-governmental organizations for co-operating with him in the performance of his mandate.

53. Mr. KOJIC (Joint Inspection Unit), introducing the report of the Joint Inspection Unit on the the co-ordination of activities related to early warning of possible refugee flows, said that mass movements of people had become one of the main concerns of the international community. While the United Nations system was usually able to mobilize quickly in response to such situations, its efforts were not enough. The complex and costly effort of providing assistance would be more efficient if information were available beforehand, in which case disasters might be averted and the damage minimized.

54. In its resolution 37/186, the General Assembly had recognized its dual responsibility under the Charter to provide adequate international protection and assistance to victims of mass exoduses and population displacements and to eliminate or mitigate the root causes of those phenomena. During the past decade, various measures designed to avert new flows of refugees had been implemented within the United Nations system. Yet, mass population displacements were on the rise and posed a continuing threat to international peace and security. The time had come for the United Nations system to take concerted action to strengthen its capacity to anticipate such events.

55. Early warning was essential to the effective control of mass population movements. Such a system could serve as a management tool for both preparedness and prevention. It should be used in the planning stage with respect to the action to be taken, the assistance to be provided and the conditions necessary for the settlement of disputes or conflicts. Indeed, early warning should become a regular component of all United Nations activities.

(Mr. Kojic)

56. The early warning system was vital to the efficient functioning of the United Nations as it operated currently and as it would function in the future. Use of such a system would contribute greatly to the preventive diplomacy which was being developed at the United Nations.

57. The fact that refugee flows were the result of multiple and complex factors suggested that early warning activities should be based on an intersectoral and multidisciplinary approach. Given its extensive involvement in issues that contributed to refugee flows and its presence throughout the world, the United Nations had immense potential in terms of being able to set up an early warning system. At the same time, such a system required well-co-ordinated machinery, which the United Nations system could not currently provide. For that reason, the report had advocated setting up an effective early warning system of possible refugee flows based on system-wide co-ordination.

58. Among the measures recommended in the report, the most important were the designation within the United Nations system of a central focal point for monitoring refugee flows, and the establishment of a consultative mechanism. By making use of existing infrastructure and resources, those measures would greatly enhance the early warning capacity of the United Nations system.

59. Lastly, members of the Joint Inspection Unit were convinced that efforts to implement an early warning system were in keeping with the spirit of the Charter of the United Nations.

The meeting rose at 5.45 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
49th meeting
held on
Wednesday, 21 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 49th MEETING

Chairman: Mr. SOMAVIA (Chile)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (continued)

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued)

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD (continued)

AGENDA ITEM 105: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)

AGENDA ITEM 109: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued)

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/45/3, 179, 210, 348, 404, 444, 445, 446, 447, 448, 508, 542, 564, 578, 607, 630, A/45/649 and Corr.1 and A/45/649/Add.1. A/45/651, 664, 697, 698, A/45/174, 203, 207, 216, 227, 272, 280, 303, 329, 338, 381, 410, 667, 689, 690, 691, 692, 693; A/C.3/45/1)

1. Mr. BALANDA (Chairman and Rapporteur of the Ad Hoc Working Group of Experts on Southern Africa) introduced the report (E/CN.4/1990/7 and Add.1) prepared in accordance with Human Rights Commission resolution 1990/26 of 27 February 1990. It was the first time that the Committee had centred its debate on the report of the Ad Hoc Working Group of Experts on Southern Africa in response to the desire of the Commission on Human Rights and the Economic and Social Council to make the international community more aware of the impact of the policies and practices of apartheid on the living conditions of the black population of South Africa. The international community must be made to realize that, without its help and concerted efforts, the hateful institutions of the South African Government would never be totally dismantled.

2. The interim report and its addendum provided information on the Working Group's inquiries regarding human rights policies and practices in South Africa, including trade union rights. The Working Group was continuing its investigation, inter alia, of cases of torture and ill-treatment of prisoners, as well as of deaths occurring during detention. It was also giving special attention to the question of detention, torture and ill-treatment of children. The report, which covered the period from January to December 1989, dealt with the situation in South Africa and Namibia. The addendum gave an account of the visit to Namibia by the Working Group from 12 to 17 February 1990, just before Namibia's accession to independence in March 1990, at which time the mandate of the Working Group with respect to Namibia expired.

3. Commenting on some developments that had recently been considered by missions of inquiry and were not covered in the report, he noted that the Working Group had been unanimous in its praise for the democratic nature of both the electoral campaign and the elections themselves in Namibia. However, he pointed out that there was widespread concern at the number of persons who had not returned to their country to participate in the elections, and who were regarded as disappeared persons by their families. That matter should be cleared up. The Working Group had also questioned the amnesty granted to former members of the anti-riot units known as "Koevoet" which had been so notorious for the atrocities they committed against citizens. The Working Group had also examined the case of Leonard Sheehama who, in its view, should be considered a political prisoner, and should therefore be freed along with the others. It was also imperative to settle the problem of Walvis Bay in the interest of the economic development of the young State. The Working Group called upon all States, competent United Nations agencies and international organizations to provide Namibia with all necessary assistance for

the effective enforcement of human rights and progressive consolidation of its democratic institutions. Finally, the report mentioned the question of compensation to Namibia by South Africa for all the harm done as a result of the illegal South African occupation.

4. In keeping with its usual practice, during the first year of its two-year mandate, the Working Group had collected oral testimony and written communications from individual witnesses and humanitarian organizations, as well as a number of studies and research papers. To that end, it had travelled to London, where a number of important human rights organizations, especially those concerned with South Africa, had their headquarters. During the second year of its mandate (1990), it had gone to collect information on the spot in the front-line States. Since it was established, the Working Group had endeavoured to co-operate with the Government of South Africa and had, on several occasions, requested authorization to conduct its inquiries in South Africa; however, that permission had never been granted. The Working Group had therefore decided to go to the United Republic of Tanzania, Zambia and Zimbabwe and to draw up its final report on the data collected in those countries. In keeping with established practice, the interim report did not contain any conclusions or recommendations; its conclusions and recommendations would be included in the final report to be submitted to the Commission on Human Rights at its forty-seventh session. The Working Group had, however, formulated some recommendations concerning Namibia, on the eve of its accession to independence (E/CN.4/1990/7/Add.1, para. 46).

5. It would be a mistake to think that apartheid was coming to an end merely because the situation had improved somewhat since February 1990, particularly after the release of Nelson Mandela and other political prisoners, the de facto recognition of the anti-apartheid parties, the lifting of the state of emergency and the curfew imposed in Soweto, the proclamation of amnesty, the talks with representatives of the black majority on building a new South Africa and the abolition, since 15 October 1990, of the more flagrant practices of racial segregation in public places. All those developments were merely superficial or cosmetic changes; they had barely shaken the real foundation of apartheid. It was therefore important to remain vigilant, to continue the struggle and to keep up the pressure on Pretoria until the system of apartheid was totally and permanently wiped out. In reality, the situation in South Africa was far from satisfactory. According to the press, a few days after the 1953 law on compulsory segregation in public services was abrogated, some youths who had tried to apply the new provisions had been savagely attacked. Incidents of violence, which had exploded in Natal at the end of March 1990 and had extended to the black suburbs of Soweto, had claimed many victims among the South African people. Whites had apparently taken part in the disturbances and the police in Kwazulu, as well as the South African police force, had not been impartial in restoring order. During its mission from 20 August to 12 September 1990, the Working Group had heard from witnesses that torture of detainees was still a common practice and that detention without charges was just as prevalent as before. The Public Safety Act 1953 and the 1982 Internal Security Act gave the Government the same powers as the state of emergency. It was imperative that those laws, as well as the Population

(Mr. Balanda)

Registration Act, the Act concerning populated zones and the Group Areas Act, which were the basis for apartheid, should be abrogated. It was especially important that the Government abrogate article 28 of the 1982 Internal Security Act authorizing detention merely on suspicion of having jeopardized public order; article 29, allowing for indefinite detention without trial or charges for purposes of interrogation; article 31, authorizing secret arrest during political trials of potential State witnesses; and article 50, empowering police officers to make an arrest without a warrant. The Working Group had obtained the text of a paper prepared by the South African Human Rights Commission, and would consider it at its next meeting in early December 1990. It would include its views on the paper in its final report to the Commission on Human Rights at the Commission's forty-seventh session.

6. Of the 64 persons who had made statements to the Working Group in August and September 1990, twelve had been teenagers. All had been tortured during detention, and had had to leave the country because of harassment and various forms of repression. The youngest one had been tortured when he was barely eleven years old.

7. The Working Group was particularly concerned about the situation of agricultural workers. With working conditions close to slavery, derisory levels of payments (in kind, often in alcohol) for unending labour, and no protection by labour laws, they were the most vulnerable category of workers in all of South Africa. Long negotiations between the Congress of South African Trade Unions (COSATU) and the South African Co-ordinating Council on Labour Affairs (SACCOLA) had resulted in an agreement under which labour laws would become applicable to agricultural workers, but the agreement had not yet been put into effect. It would be a great step forward if it should become law at the beginning of 1991. It should also be noted that agricultural workers enjoyed neither the right to strike nor the right to collective bargaining.

8. Consideration should also be given to the question of political prisoners. Despite the Pretoria Agreements of 6 August 1990 for the release of political prisoners on 1 September 1990, a large number of them were still languishing in prison, notwithstanding the new agreements resulting from the recent meetings between the representatives of the Government and the ANC. The Chairman of the Working Group mentioned the case of Mr. "MAC" Maharaj, a very early leader of the National Committee of the ANC, whose wife had testified before the Working Group when it recently visited London. Mr. Maharaj, who had returned from exile to take part in the negotiations with the Government as a representative of the ANC, and who had been guaranteed immunity by the Government, had been arrested and detained under article 29 of the Internal Security Act. Despite appeals to the South African Government by the Chairman of the Commission on Human Rights and the Secretary-General, Mr. Maharaj had recently been indicted together with other members of the ANC.

9. Testimony gathered by the Working Group in the front-line States indicated that human rights continued to be violated frequently in South Africa. Extreme right-wing white groups had numerous weapons at their disposal, and many of their

leaders occupied senior positions in the security services, the army and the police. As a result, even when the institutionalized structure of apartheid was dismantled, respect for the human rights of the black people of South Africa would still be far from a reality.

10. Mrs. ATTAH (Nigeria) recalled that the protection and promotion of human rights were cardinal objectives of the United Nations, constituting fundamental principles of its Charter. Therefore, respect for all human rights was an obligation not only on individual States but also on the comity of nations.

11. The bi-polar structure of international politics in the past had had the adverse effect of forcing the developing countries to choose sides, and human rights had become politicized. At the present time, it was gratifying to note that a universal culture of human rights was developing and that an international consensus was being shaped.

12. Nigeria stressed the equality, indivisibility and interdependence of human rights. They were incontrovertible principles that the United Nations must constantly reaffirm in order to maintain credibility for its actions in the field of human rights.

13. However, although civil and political rights were as important as economic, social and cultural rights, the continuing economic constraints experienced by the developing countries impeded their full enjoyment of all human rights. The increase in the debt burden, resulting in a massive negative transfer of resources away from the developing countries towards the developed ones; increased protectionism by the latter; deteriorating terms of trade and the decline in commodity prices had all combined to exacerbate the economic situation of the developing countries, with devastating structural and human consequences. According to the latest World Development Report issued by the World Bank, 1 billion people, primarily from the developing countries, lived in poverty, and the number was increasing. As a result, maternal and infant mortality and illiteracy were on the increase, while there was a rapid deterioration in health and social services and an erosion of the basic rights of the individual to food, shelter, dignity and life itself. It was deeply regrettable that the quality of life in many developing countries stood in the way of achieving the basic purposes of the Charter of the United Nations, namely, "to promote social progress and better standards of life in larger freedom". Less than complete enjoyment of human rights in any part of the globe inevitably posed a threat to human rights everywhere. The developed countries had a duty, deriving from the common destiny of all nations, to release more resources for development and eliminate poverty. Nigeria called on them to discharge that responsibility.

14. The individual should be the primary beneficiary of all human rights. Individual as well as mass violations of human rights endangered not only domestic harmony but also international peace and security. History as well as recent events in international politics clearly showed that Governments which persistently violated the rights of their citizens could not survive. The authority and

(Mrs. Attah, Nigeria)

legitimacy of States; the durability of their institutions; national unity; economic development and indeed the stability of the international order all depended to a large extent on respect for the rights of the individual and his group.

15. South Africa remained the only country where racial discrimination was institutionalized. The Nigerian delegation condemned apartheid. While it was true that in 1990 the South African Government had taken important steps towards the eradication of the practice, its basic pillars were still in place, and the racist constitution was still the basic law. The Nigerian delegation therefore strongly supported the recommendation that existing sanctions should be maintained until the General Assembly and the people of South Africa had clear evidence of profound and irreversible changes for the elimination of apartheid and the establishment of a democratic, non-racial, free and undivided South Africa.

16. Violations of human rights, regional conflicts and economic factors continued to cause massive flows of refugees. Today, there were well over 15 million refugees in the world and the number was still growing. Nigeria therefore called on the international community to ensure the effective implementation of relevant international human rights instruments in order to avert new flows of refugees and displaced persons. The Nigerian delegation fully supported the early warning arrangments which the Secretary-General had instituted to avert new flows of refugees. It urged him to consolidate and expand the system, and to implement the recommendations contained in the report on co-ordination of activities related to early warning of possible refugee flows (A/45/649). Strengthened inter-agency co-operation and computerization of the Office for Research and Collection of Information would assist significantly in setting up an effective and operational early warning system.

17. The Nigerian delegation had read with keen interest the report of the Secretary-General (A/45/348) and noted with satisfaction the intensified efforts of the Centre for Human Rights to strengthen contacts and co-operation with regional bodies and commissions. Nigeria urged that greater technical assistance and advisory services should be provided to the African Commission on Human and Peoples' Rights of the Organization of African Unity (OAU). There was a need to step up the flow of information and the exchange of experiences, for example by organizing, under the auspices of the Centre for Human Rights, regular interregional consultations on regional arrangements for the protection and promotion of all human rights.

18. Since the last International Conference on Human Rights had been held at Tehran more than 20 years earlier, Nigeria fully supported the convening of another world conference on human rights, particularly in the current period of improved international political relations. The conference should begin by taking stock of the past, both of progress achieved and of obstacles encountered, and should make a detailed analysis of such economic factors as debt and poverty, which in many cases prevented the populations of many developing countries from living in freedom, dignity and security. The conference should also deal with such fundamental

(Mrs. Attah, Nigeria)

questions as the violation of individual rights arising from institutionalized racism and occupation by foreign forces. In order to be effective, the conference should be convened at the ministerial level. Her delegation noted with satisfaction that the majority of replies received from Member States, contained in document A/45/564, supported that proposal.

19. Nigeria attached great importance to the protection and promotion of the rights of indigenous populations, and it urged the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to intensify its efforts on the elaboration of acceptable international standards for the protection and promotion of the rights of indigenous populations. Her delegation called upon the General Assembly to take all steps necessary to ensure that 1993 was properly observed as the International Year for the World's Indigenous Peoples.

20. Nigeria stressed the importance of the draft international convention on the protection of the rights of all migrant workers and members of their families. It was satisfied with the final text of the draft, which not only specified the fundamental rights of migrant workers but also clearly defined rights with respect to resident aliens, social security, tax laws and labour relations. While her delegation was in favour of the adoption of the draft, it regretted that the Working Group had not been able to agree on the wording of paragraph 8 of draft article 72, which dealt with the financing of the committee which would give effect to the convention. The members of that Committee should receive emoluments from United Nations resources on the terms and conditions which the General Assembly would define. Nigeria could not support the financing of the committee by States parties because of the perennial difficulties which that system had created with regard to the financing of the Committee on the Elimination of Racial Discrimination and the Committee against Torture. In the view of her delegation, bodies established under international instruments should be financed from the regular budget for two reasons: first, it was the most effective means of ensuring the implementation of conventions and, secondly, it was consistent with the spirit of universality.

21. The protection and promotion of all human rights was a never-ending struggle and, in its activities in that area, the international community must be non-selective and adopt an approach of persuasion and pressure. Since countries were not perfect, they could not serve as standards of human rights performance; consequently, the international community should act in concert to seek universal adherence to the relevant international instruments and, to that end, should provide advisory services to States which required it.

22. Mrs. SYAHRUDDIN (Indonesia) said that, at the beginning of the final decade of the twentieth century, the world was undergoing dramatic changes as a result of the easing of East-West tensions, the end of ideological competition and increased multilateralism. That new climate had led to increased attention to social and humanitarian issues, and the United Nations had regained its prominence as a multilateral organization dedicated to, and capable of, preserving international

(Mrs. Syahruddin, Indonesia)

peace and stability. Those favourable developments had enabled the General Assembly to convene a special session on drug abuse and illicit trafficking and had made possible the entry into force of the Convention on the Rights of the Child and the convening of the World Summit for Children. Those events were indicative of a new consciousness of the moral responsibility for economic and social development, and demonstrated that the immediate concern of State security and survival had become less urgent than the needs of society.

23. That new change of attitudes had particular implications for human rights. Too often, human rights had been used not for the advancement of the goals of the Charter of the United Nations or of the Universal Declaration of Human Rights but for less than noble political or ideological motives. She hoped that, by focusing on economic and social development, the international community would be able to hold a more constructive dialogue on human rights with a view to enhancing the quality of life for all people.

24. While human rights norms had gained near-universal acceptance, they were still subject to differences of interpretation, and they could be distorted by the tendency to judge other countries by one's own national standards of behaviour and to ignore the diversity of cultural, social and economic factors in the world. Thus, developed countries tended to concentrate on civil and political rights, while developing countries were forced to give priority to their need to free themselves from the burden of poverty, illiteracy, hunger and misery. The question of human rights should be considered in all its aspects, including the right to development, and it should not give rise to criticism or political manoeuvring.

25. The world conference on human rights, which would be held in 1993, had been the subject of a draft resolution of which Indonesia was a sponsor. That conference would not only focus increased international attention on human rights but would also be an opportune occasion for reviewing the progress made in that field since the adoption of the Universal Declaration of Human Rights, for evaluating the methods which the United Nations used in its consideration of human rights issues and for formulating a programme of action to guarantee respect for the human rights and fundamental freedoms of all people without distinction of any kind.

26. The mechanism for protecting human rights had recently been strengthened by the draft international convention on the protection of the rights of all migrant workers and members of their families, which had been submitted for consideration by the General Assembly.

27. As a result of demographic changes, the increasing population in some areas of the world could not be absorbed by the work-force, while other areas which experienced a shortage of labour would continue to attract migrant workers, whose protection should be ensured and whose fundamental rights should be respected. The draft convention would not satisfy everyone, since each country had its own values and traditions. Indonesia supported the draft in principle, since it gave sufficient protection to migrant workers and their families. At the national

(Mrs. Syahruddin, Indonesia)

level, Indonesia had established an interdepartmental working group to review the draft in all its aspects and to determine its relevance to Indonesia's needs and concerns.

28. The revitalization of the Economic and Social Council was important in the context of the strengthening of multilateral co-operation and the new emphasis on the economic and social responsibilities of the international community. The changes in the international situation should lead to improvements in the Council's functions with respect to policy formulation, follow-up, and operational activities.

29. The mechanisms for enhancing human rights, ending apartheid and guaranteeing equal rights for women were already in place, and Indonesia was prepared to contribute its resources and talents to ensure progress in all those areas.

30. Archbishop MARTINO (Observer for the Holy See) said that current migrations were motivated mostly by economic reasons and that the movement was largely from poor to richer countries. Migration had rightly become an object of international concern on account of its widespread consequences for the economic, political and social organization of all the countries concerned and for the lives of millions of individuals. In 1971, Pope Paul VI had already advocated moving on from a strictly nationalistic attitude in regard to migrant workers to drafting a statute which would recognize their right to emigrate and foster their professional and social integration into the State of employment.

31. The Holy See welcomed the Draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, drafted by an open-ended Working Group established by the General Assembly in 1979. Firstly, the draft provided a general framework that could serve as a point of reference for drafting bilateral or multilateral treaties. Secondly, it provided for the protection of "all migrant workers", including those in an irregular situation. By referring to that category of immigrants, the draft reaffirmed that the fundamental right to protection should have priority over national legislation concerning population movements. Thirdly, the draft convention covered all aspects of the migrant worker issue and treated the worker not simply as an element of the production process, but first of all as a human being.

32. Although part III of the draft convention, which dealt with the human rights of all migrant workers and members of their families, was taken from the Universal Declaration of Human Rights and other Covenants, in some cases it improved existing provisions, as in the case of article 21, which made it unlawful to confiscate or destroy identity documents; articles 16 and 23 on the right to consular and diplomatic protection; and article 22 which prohibited the collective expulsion of migrant workers.

33. The Holy See welcomed the provisions of article 12 on freedom of thought, conscience and religion. Under it, migrant workers had, for example, the right in public or private to manifest their religion or belief in worship, observance, practice and teaching. Whenever such freedoms had been ensured, the Church had

(Archbishop Martino, Observer, Holy See)

been able to contribute very significantly down the centuries to the well-being of migrant workers and their families in many countries. On the other hand, persecution and discrimination in matters of religion were unfortunately still among the gravest injustices against many migrant workers and members of their families.

34. With respect to article 44, which recognized that the family was the natural and fundamental group unit of society, it was regrettable that the draft convention did not consider family reunification as a right of the migrant worker, but confined itself to recommending that the State of employment should take the measures it deemed appropriate to facilitate such reunification. The Holy See would also have welcomed better provisions on the status of non-resident seafarers and the process of political integration of migrant workers into the country of employment. However, the positive elements of the draft far outweighed its few shortcomings. The usefulness of such a convention would undoubtedly contribute to improving the situation of millions of persons for whom, in the words of Pope John Paul II, "migration which was a route to hope had become a path fraught with difficulties and disappointments".

35. From another standpoint, there was clearly a need to create the conditions for genuine development, especially in the less developed countries, in order to reduce the need for migration. While affirming the right to migrate, and defending the rights of the people involved in the migratory process, it was easy to forget the equal importance of insisting on the right not to migrate, in other words, the right to earn a decent living and to raise one's family in the country of one's birth.

36. Mr. PICKERING (United States) said that in the aftermath of the Second World War, the international community, by adopting the Charter of the United Nations and the Universal Declaration of Human Rights, had formally repudiated all doctrines based on unlimited State authority, including those deriving from the divine right of kings. Under the terms of Articles 55 and 56 of the Charter, the United Nations and the Member States had pledged themselves to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". Surveying the conduct of those who exercised power in the people's name, one could not fail to see that they did not do so with respect for the human rights of all. On 2 August 1990, the Iraqi occupation forces had begun ravaging a once peaceful and prosperous neighbour, causing immense suffering to the people of Kuwait. In the weeks that followed the invasion, tens of thousands had been forced to flee, leaving behind family, livelihood and, in many cases, all their worldly goods. Later, in a move aimed at depopulating the country, the Iraqi authorities had briefly opened the borders, which they had closed to prevent the Kuwaitis abroad from returning and those remaining at home from leaving the country, and had authorized Kuwaitis to depart, confiscating their citizenship documents as they left.

(Mr. Pickering, United States)

37. The Iraqi occupying forces had conducted wholesale looting of the country, forcing the civilian population to forage for whatever it could find. Iraqi troops had confiscated medicines and medical supplies, thus depriving the Kuwaitis of access to medical care. The handicapped and even premature infants had been turned out of hospitals and left to die. Reports from refugees leaving Kuwait indicated the brutality of the Iraqis' efforts to stamp out resistance. Iraqi troops had made massive arrests and tortured and summarily executed not only those suspected of involvement in organized resistance, but also members of their families. The Iraqi authorities had so much to conceal that they were continuing to flout their international obligations by denying the International Red Cross permission to enter Kuwait. Not long ago a representative of the Iraqi Government had had the effrontery to declare that human rights were being respected in his country. Did he imagine that the General Assembly was composed of credulous infants?

38. The Government of Iran, in contrast, had stated that it wished to co-operate with the international community in promoting respect for the human rights of Iranians. To that end, it had permitted the Special Representative of the United Nations Commission on Human Rights to make two visits to Iran. Admittedly, the human rights situation in that country remained deeply troubling. The Special Representative had obtained first-hand information on detailed and credible accounts of torture, denial of due process, executions for political reasons, discrimination against ethnic and religious minorities and other similar charges. The General Assembly and the Commission on Human Rights should therefore continue to scrutinize closely the human rights situation in Iran.

39. The United States regretted that millions of Afghans were unable to return to their homes in order to begin the tremendous task of rebuilding their lives and their nation. All the efforts by outsiders to impose a political order were doomed to fail, as had clearly been demonstrated by the events of the past decade. The United States continued to believe that the conflict in Afghanistan must be solved through a political process and by the Afghans themselves. Only by enabling the Afghan people to decide its own future and to arrange for the permanent return of refugees with dignity, could Afghanistan cease to be a source of instability and become instead an independent, non-aligned country at peace with its neighbours.

40. With regard to the occupied territories, under the Fourth Geneva Convention of 1949 Israel was responsible for maintaining law and order there. The Israeli Government had taken positive steps in early summer to improve the human rights situation and to reduce conflict between the security forces and the civilian population. In September, the burning to death of an Israeli reservist in a refugee camp in the Gaza Strip had interrupted those favourable trends, and in October, the Temple Mount incident had increased tensions very substantially.

41. The United States had joined the other members of the Security Council in calling on Israel to refrain from the excessive use of force in situations of civil unrest. His Government once again stressed that the process of direct negotiations must be resumed with the aim of achieving a comprehensive solution and true peace between Israel and all its neighbours.

(Mr. Pickering, United States)

42. In the Horn of Africa, civil strife had displaced millions of civilians and forced millions more to flee their countries. That situation, aggravated by natural disasters, had led to mass malnutrition and thousands of deaths. Governments and rebel movements had even been known to hinder the delivery of food and other relief supplies.

43. In Myanmar, the National League for Democracy had indisputably won the elections held in May, thus demonstrating that the people of Myanmar hoped for a return to parliamentary democracy, an end to military dictatorship, and the introduction of reforms leading to a free market economy. The current rulers had still not relinquished power to the League, and had failed to convene the National Assembly and to release political prisoners, including some leaders of the League. In October, the authorities had ordered raids on Buddhist monasteries, and the United States had received credible reports that political prisoners were being tortured and subjected to cruel and degrading treatment.

44. The United States appealed to all Member States concerned about political rights to use their influence to convince Myanmar's military rulers to set an early and definitive date for a return to civilian government and for the release of political prisoners.

45. In paragraph 1 of resolution 1990/48, adopted in March 1990, the Commission on Human Rights called upon the Government of Cuba to honour its repeated guarantees that witnesses who testified to the Working Group of the Commission which had visited Cuba in 1988 would not be subject to reprisals, detention, or negative consequences of any nature whatsoever. In paragraph 2, the Commission called upon the Government of Cuba to provide the Commission, at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by representatives of the Commission. In paragraph 3, the resolution welcomed the willingness of the Secretary-General to put himself at the disposal of the Commission regarding his ongoing contacts with the Government of Cuba and requested that he provide the results of those contacts to the Commission at its forty-seventh session.

46. The Government of Cuba had replied that it would not respect any of the provisions of the resolution. It had also stated that revolutionaries had complete freedom of expression, while counter-revolutionaries had no freedom of expression at all. That remark, it would seem, applied to the world's longest serving political prisoner, Mario Chanes de Armas, who had been in detention for 29 years. The Cuban Government had intensified its repression of human rights activists, including those who had testified before the Working Group of the Commission on Human Rights in 1988.

47. The United States called upon the Government of Cuba to co-operate with the Commission on Human Rights and to release all political prisoners immediately and unconditionally. It was to be hoped that the Secretary-General would submit a substantive report on the human rights situation in Cuba.

(Mr. Pickering, United States)

48. With respect to the situation in El Salvador, the United States continued to consider that the Government of El Salvador must bring to justice those responsible for the murder of the six Jesuit priests, their housekeeper and her daughter. In a larger sense, the United States recognized that the greatest source of human rights violations in El Salvador was the continued warfare in that country. It accordingly supported the call by President Cristiani for an immediate cease-fire, and urged both parties to pursue peace through negotiations.

49. The United Nations should establish a human rights monitoring commission in El Salvador immediately, as requested by the Salvadorian Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN) after their meetings in August. It deplored the offensive launched the previous day by the FMLN in complete disregard of the progress being made in the peace talks and the commitments it had made to the Secretary-General.

50. In the case of Guatemala, the United States felt that, while the Guatemalan Government did not pursue a policy of human rights abuses, it had rarely taken vigorous action to apprehend those who violated those rights. During the November elections, the people of Guatemala had demonstrated their support for constitutional and democratic government. If that support was to continue, the rule of law must be applied with firmness and justice. The United States called upon the Guatemalan Government and the candidates in the run-off election to pledge themselves to a peaceful transition to a new administration and to ensure that those who violated the human rights of the Guatemalan people were punished according to the law.

51. With regard to South Africa, the United States opposed the repugnant racist doctrine of apartheid, and supported negotiations between the South African Government and representative black leaders with the aim of building a non-racial and democratic society. The South African people could count on the support of the United States in achieving that objective.

52. There were grounds for optimism. President de Klerk had authorized political parties and peaceful protests, freed the political prisoners and agreed with the African National Congress on procedures to release all others, lifted the state of emergency everywhere except in Natal, removed most restrictions on the press and repealed the separate Amenities Act. The ruling party had committed itself to accept majority rule, the principle of "one man, one vote", equal economic, political and social rights for all South Africans and genuine negotiations with the black opposition.

53. He would have liked to be able to say that the human rights situation had improved in all countries as it had in South Africa. Unfortunately, that was not so. While the international community had exalted the individual and repudiated all doctrines centred on unlimited State authority, it had not yet succeeded in eradicating the attitudes and practices of the past or abuses reflecting the disposition of tyrants. In the final analysis, the pace of humanity's advance was directly related to the success of all its members in becoming more humane to each other.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (continued)

Draft resolution A/C.3/45/L.50

54. Mr. KESSEL (Canada), introducing the draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" on behalf of the sponsors, which had been joined by Germany and Poland, said that the text, as in previous years, expressed a concern felt not only by the Third Committee but also by the Economic and Social Council and the Commission on Human Rights. He restated the principal provisions of the draft resolution and indicated that the first three lines of paragraph 6 should be reworded as follows:

> "6. Encourages the Secretary-General to proceed with the circulation to the various States parties to the United Nations human rights instruments, as soon as possible, of the detailed reporting manual to assist ...".

55. The Canadian delegation hoped that Member States would adopt draft resolution A/C.3/45/L.50 by consensus, as they had done in the past with the other resolutions on the subject.

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued)

Draft resolution A/C.3/45/L.47

56. Mr. CAMPBELL (United Kingdom), introducing the draft resolution entitled "Human rights and scientific and technological developments" on behalf of the sponsors, which had been joined by France, emphasized that the draft resolution concerned the progress made in the elaboration of a body of principles for the protection of all persons with mental illness. That undertaking dated back to 1978, when the Commission on Human Rights had requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study of the question of the protection of those detained on the grounds of mental ill-health. The Sub-Commission had submitted a draft text to the Commission on Human Rights, which had established an open-ended Working Group to examine, revise and simplify as necessary the draft body of principles and guarantees on the basis of comments submitted by Governments, specialized agencies and non-governmental organizations. In 1990 the Working Group had met in Geneva for two sessions, lasting two weeks each.

57. His delegation hoped that draft resolution A/C.3/45/L.47 would, like the previous resolutions on the subject, be adopted by consensus.

Draft resolution A/C.3/45/L.48

58. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), introducing the draft resolution entitled "Human rights and scientific and technological developments" on behalf of the sponsors, which had been joined by Costa Rica, stressed that the development of human society should take place in a peaceful environment in which human life must be recognized as supreme. His delegation hoped that draft resolution A/C.3/45/L.48 would, like the previous resolutions on the subject, be adopted without a vote.

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD (continued)

Draft resolution A/C.3/45/L.51

59. Mr. MATELA (Poland), introducing the draft resolution entitled "Convention on the Rights of the Child" on behalf of the sponsors, which had been joined by Cameroon, Guinea-Bissau, Lesotho, Panama, Paraguay, Togo, Zimbabwe and Zambia, stressed that it was encouraging that an unprecedented number of States had to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that existed to strive for the promotion and protection of the rights of the child, as had also been demonstrated by the successful conclusion of the World Summit for Children.

60. The 90 sponsors of the draft resolution hoped that draft resolution A/C.3/45/L.51 would, like the previous draft resolutions on the subject, be adopted by consensus.

AGENDA ITEM 105: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

Draft resolution A/C.3/45/L.53

61. Mr. DUHS (Sweden), introducing the draft resolution entitled "International Covenants on Human Rights" on behalf of the sponsors, hoped that draft resolution A/C.3/45/L.53 would, like previous texts on the subject, be adopted without a vote.

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)

Draft resolution A/C.3/45/L.55

62. Mr. HENNESSY (Ireland), introducing the draft resolution entitled "Elimination of all forms of religious intolerance" on behalf of the sponsors, which had been joined by Côte d'Ivoire, Fiji and Senegal, recalled that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been adopted by the General Assembly in 1981 without a vote. The resolutions adopted year after year on the basis of a consensus demonstrated the desire of the international community to work towards the objectives of the Declaration. The sponsors of the draft resolution believed that progress must be made in that area on the basis of a consensus. The draft resolution updated

(Mr. Hennessy, Ireland)

General Assembly resolution 44/131 and was based on Commission on Human Rights resolution 1990/27 and on points put forward by delegations which appeared to receive general support.

63. His delegation hoped that draft resolution A/C.3/45/L.55 would, in accordance with the established practice, be adopted without a vote.

AGENDA ITEM 109: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

Draft resolution A/C.3/45/L.49

64. Mr. PETERS (Netherlands) announced that, in the list of sponsors of the draft resolution entitled "Report of the Committee against Torture and Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", Seychelles should be replaced by Senegal and Romania should be added. The text was similar to that of General Assembly resolution 44/144 adopted the previous year. He drew attention to the main provisions and hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/45/L.52

65. Mr. SIGURDSSON (Iceland), introducing the draft resolution entitled "United Nations Voluntary Fund for Victims of Torture" on behalf of the sponsors (who had been joined by the United States), recalled that the Fund had been established in 1981 by General Assembly resolution 36/151 and that, on the basis of voluntary contributions, it gave humanitarian, legal and financial assistance to victims of torture and members of their families. The Fund was administered by the Secretary-General and by a Board of Trustees, whose activities were described in the report of the Secretary-General (A/45/633). The text of the draft resolution was similar to that of other resolutions on the subject adopted previously by the General Assembly but contained two new provisions: the fifth preambular paragraph and paragraph 4.

66. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/45/L.54

67. Ms. FUNDAFUNDA (Zambia), introducing the draft resolution entitled "Torture and inhuman treatment of children in detention in South Africa" on behalf of the sponsors (who had been joined by Costa Rica, Guinea, the Libyan Arab Jamahiriya and Nigeria), said that the violations of the rights of children in South Africa described in the report of the Secretary-General (A/45/615) continued to be of serious concern to the international community and that concerted international action was needed to put an end to them. That was why the sponsors welcomed the entry into force of the Convention on the Rights of the Child and the results of the World Summit on Children.

(Ms. Fundafunda, Zambia)

68. They hoped that draft resolution A/C.3/45/L.54, like the previous resolutions on the subject, would have the Committee's support.

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued)

Draft resolution A/C.3/45/L.56

69. Mr. WAFEN (United States of America), introducing the draft resolution entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" on behalf of the sponsors (who had been joined by Haiti, Honduras, Malta, Mozambique and Portugal), said that the overall goal of the draft resolution was to see how the United Nations could respond more effectively to requests for electoral assistance from Member States while fully respecting their sovereignty. In drafting the text, the sponsors had benefited from the advice and suggestions of delegations belonging to all regional groups.

70. The first preambular paragraph was the same as that of General Assembly resolution 44/146, which had been adopted in 1989 without a vote. The second preambular paragraph was taken from the third preambular paragraph of the International Covenant on Civil and Political Rights. After drawing attention to the main provisions of the draft resolution, he indicated that a number of delegations had made further suggestions to improve the text, suggestions to which the sponsors would give every consideration.

71. The sponsors hoped that draft resolution A/C.3/45/L.56 would be adopted without a vote.

72. Ms. MUCAVI (Mozambique) said that her delegation was not a sponsor of draft resolution A/C.3/45/L.56.

Draft resolution A/C.3/45/L.58

73. Mr. DUHS (Sweden), introducing the draft resolution entitled "Respect for the will of the people of Myanmar", announced that Finland had become a sponsor.

74. He said that the draft resolution fell within the scope of article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights. The people of Myanmar had shown in various ways that they aspired to a pluralist and democratic system. On 27 May 1990, for the first time in nearly 30 years, democratic elections had been held. It was universally agreed that those elections had been truly free and genuine. Even the official media of Myanmar had noted that an overwhelming majority of voters had supported the opposition. Nevertheless, the Government had still not convened any new national assembly nor made any commitment to respect the results of the vote. On the contrary, individuals had been detained for their political activities. The purpose of the draft resolution was to condemn that great contravention of the

(Mr. Duhs, Sweden)

Universal Declaration of Human Rights and of the International Covenants on Human Rights. The sponsors hoped that the draft resolution would have the broadest possible support.

Draft resolution A/C.3/45/L.59

75. Mr. MORA (Cuba), introducing the draft resolution entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes", said that China, the Libyan Arab Jamahiriya and Viet Nam had become sponsors.

76. At the current session Member States had considered the question of enhancing the effectiveness of the principle of periodic and genuine elections under very special circumstances. A few years previously, the great majority of delegations had reluctantly accepted the inclusion of that item in the agenda of the General Assembly and one group of delegations had submitted a draft resolution prompted by the fear that the very principles of the Charter of the United Nations might be flouted. Those fears had now proved well founded. His country felt that initiatives that related to national electoral processes and threatened to legitimate future interference in the internal affairs of a State and to subject national institutions to norms and models established outside the framework of national sovereignty should be rejected. That was why the preamble recalled the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which the sponsors wished to see applied to electoral processes as well.

77. During the current year the Commission on Human Rights had not reviewed the fundamental factors that negatively affected the observance of respect for the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes. The relevant United Nations body must consider all proposals submitted by delegations, including that contained in the draft resolution. The sponsors of the draft resolution hoped that, as in the past, a large majority of Committee members would support the draft text.

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

Draft resolution A/C.3/45/L.60

78. Miss BACHTOBJI (Tunisia), introducing the draft resolution entitled "International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa", sponsored by the States members of the Group of African States, said that the text was based largely on resolution 44/136, which had been adopted by the General Assembly without a vote. The Group of African States had introduced one new element, namely, the need to strengthen the capacity of the identified focal points within the United Nations system for the implementation and co-ordination of relief programmes for refugees and displaced persons. The sponsors hoped that, as in previous years, the draft resolution would be adopted by consensus.

Draft resolution A/C.3/45/L.61

79. Mrs. KODIKARA (Philippines), introducing the draft resolution entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees" on behalf of the sponsors (who had been joined by Ethiopia and China), expressed their convictions that assistance to refugees must continue. The sponsors hoped that the Committee would adopt draft resolution A/C.3/45/L.61 by consensus.

Draft resolution A/C.3/45/L.63

80. Mrs. BANGOURA (Guinea), introducing the draft resolution entitled "Emergency humanitarian assistance to Liberian refugees and displaced persons", said that Guatemala and Guyana had also become sponsors. In the first preambular paragraph, the words "in the past year" should be replaced by the words "for a year". In the fourth preambular paragraph, the words "imposed on them by" should be replaced by the words "they endure as a result of". In paragraph 5, the word "rehabilitation" should be replaced by "reintegration".

81. She recalled the bloody events in Liberia, which threatened the very existence of the country, and the consequences of those events for the population, forced to seek asylum in neighbouring countries. While still difficult to assess, the economic and social repercussions for those countries already appeared to be considerable. The draft resolution reflected the dire situation of the refugees, especially women and children. Nevertheless, it was important to note the efforts made by the West African Government; the Secretary-General, who had encouraged concerted international action; and the Office of the United Nations High Commissioner for Refugees and the governmental and intergovernmental agencies which had provided emergency humanitarian assistance. She called upon the United Nations system, Member States and international and voluntary organizations to increase their emergency assistance, which would be a first step towards a solution of the refugee problem. Moreover, the United Nations and governmental and intergovernmental bodies, as well as non-governmental organizations must provide material and financial assistance with a view to the return and resettlement of the victims of the civil war. The sponsors hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/45/L.64

82. Mrs. MIROW (Sweden), introducing the draft resolution entitled "Office of the United Nations High Commissioner for Refugees", said that Djibouti, Ghana, Guinea, Guinea-Bissau, Malawi and Nigeria had become sponsors. In the eighth preambular paragraph of the English text, the words "are commensurate with" should be replaced by the word "meet". In the ninth preambular paragraph, the words "timely and" should be deleted. The sponsors hoped that, as in previous years, the Committee would adopt the draft resolution by consensus.

83. Mrs. KODIKARA (Philippines) said that her country wished to become a sponsor of the draft resolution.

Draft resolution A/C.3/45/L.65

84. Mr. AGUILAR-HECHT (Guatemala), introducing the draft resolution entitled "International Conference on Central American refugees", said that the Conference had been held in Guatemala in 1989 and had resulted in a Concerted Plan of Action, which the General Assembly had endorsed at its forty-fourth session in resolution 44/139. The draft resolution reflected the progress made during the past year, particularly in response to meetings held in New York by the Follow-up Committee. The sponsors hoped that the Committee would adopt the draft resolution without a vote.

85. Mr. ALARCON DE QUESADA (Cuba), speaking in exercise of the right of reply, said that the Third Committee had once again had the honour of hearing from the United States a learned discourse on human rights throughout the world. While covering the rest of the globe, the representative of the United States had remained silent about his own country; he had thus failed to mention the disastrous living conditions of black Americans, the paradox of a wealthy society with thousands of homeless people, and the hundreds of political prisoners who were either black or members of other minorities which made up American society. Moreover, although he had had an excellent opportunity to do so, he had failed to apologize to the Chilean people for the years of mourning and suffering which had followed the events of 1973, in which - as the United States Senate had found - the CIA had been involved.

86. In speaking about the territories occupied by Israel, the United States representative had not explained why, in defiance of the rules of the Security Council, his country, which was presiding over the Security Council during the month of November, had for a month been blocking consideration of a resolution by the Council.

87. With regard to South Africa, the United States representative had failed to mention that, at the very moment he was speaking and in another room, his country was attempting to impede the work of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, which had been set up to enforce the arms embargo. With respect to Cuba, the United States representative had repeated the same worn-out slander without mentioning the economic and trade embargo which had been imposed on that country for the past 30 years. Perhaps the purpose of the United States representative's lecture had been to thank God for the privileges accorded to the imperialist and racist American society. It would be more appropriate on the eve of Thanksgiving to recall the extermination of the indigenous population of the country and the words of Mark Twain, who had said that the United States enjoyed freedom of speech, freedom of conscience, and the prudence never to practise either. In other words, it was for that proverbial penchant for hypocrisy that the racist and imperialist United States should give thanks to the Creator on Thanksgiving Day and every day of the year.

The meeting rose at 12.55 p.m.